

OPINION OF TRUSTEES

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In Re

Complainant: Employee  
Respondent: Employer  
ROD Case No: 88-019 - October 4, 1988

Board of Trustees: Joseph P. Connors, Sr., Chairman; Paul R. Dean, Trustee; William B. Jordan, Trustee; William Miller, Trustee; Donald E. Pierce, Jr., Trustee.

Pursuant to Article IX of the United Mine Workers of America ("UMWA") 1950 Benefit Plan and Trust, and under the authority of an exemption granted by the United States Department of Labor, the Trustees have reviewed the facts and circumstances of this dispute concerning the provision of health benefits coverage for an Employee's parent under the terms of the Employer Benefit Plan.

Background Facts

The Complainant is an active Employee of the Respondent who lives with his mother in her house. The Complainant states that he pays all of the bills and he contends that his mother is therefore eligible for health benefits coverage as his dependent.

The Respondent contends that the Complainant's mother is not eligible for health benefits coverage under the terms of the Employer Benefit Plan. The Respondent states that the Complainant has failed to establish that he provides over one-half of his mother's support as required under Article II D. (3) of the Plan. The Respondent further contends that according to Question and Answer (Q&A) H-22 (78) (copy enclosed herein), the Complainant's mother must reside in the Complainant's home in order to qualify for health benefits coverage.

Dispute

Whether the Respondent is responsible for providing health benefits coverage for the Complainant's mother.

Positions of the Parties

Position of the Complainant: The Complainant's mother is eligible for health benefits coverage as the Complainant's dependent because the Complainant and his mother reside in the same household and the Complainant is responsible for payment of all the bills.

Position of the Respondent: The Complainant's mother does not reside in the Complainant's household and the Complainant has failed to establish that he provides over one-half of his

mother's support. Therefore, she does not qualify for health benefits coverage as an eligible dependent under the Employer Benefit Plan.

Pertinent Provisions

Article I (1), (2), (4) and (7) of the Employer Benefit Plan provide:

Article I - Definitions

The following terms shall have the meanings herein set forth:

- (1) "Employer" means (Employer's Name).
- (2) "Wage Agreement" means the National Bituminous Coal Wage Agreement of 1988, as amended from time to time and any successor agreement.
- (4) "Employee" shall mean a person working in a classified job for the Employer, eligible to receive benefits hereunder.
- (7) "Dependent" shall mean any person described in Section D of Article II hereof.

Article II D. (3) of the Employer Benefit Plan provides:

Article II - Eligibility

The persons eligible to receive the health benefits pursuant to Article III are as follows:

D. Eligible Dependents

Health benefits under Article III shall be provided to the following members of the family of any Employee, Pensioner, or disabled Employee receiving health benefits pursuant to paragraphs R, B, or C of this Article II:

- (3) A parent of an eligible Employee, Pensioner or spouse, if the parent has been dependent upon and living in the same household (residence) with the eligible Employee or Pensioner for a continuous period of at least one year;

For purposes of this paragraph D, a person shall be considered dependent upon an eligible Employee, Pensioner or spouse if such Employee, Pensioner or spouse provides on a regular basis over one-half of the support to such person.

Discussion

Article II D. of the Employer Benefit Plan states that health benefits coverage under Article III shall be provided to an Employee's parent, if the parent has been living in the same household with the eligible Employee for a continuous period of at least one year and the Employee provides over one-half of the parent's support.

The Respondent has stated that the Complainant's mother could not qualify for health benefits coverage because in this case the Complainant (participant) and his mother reside in the mother's home, rather than the Complainant's home. Although the Respondent claims that Q&A H-22(78) requires a parent to reside in the Employee's home in order to qualify for health benefits coverage, Q&A H-22 (78) was superseded by Q&A H-2(81)(copy enclosed herein). Q&A H-2(81) requires only that the parent must be living in the same household (residence) as the participant for a continuous period of one year in order to be eligible for health benefits coverage, providing the dependency requirement has been met.

The Trustees have previously concluded in RODs 81-300, 84-011, 84-014 and 84-020 that an Employer may require Employees to submit information reasonably necessary to establish dependency. Funds' staff have reviewed the information the Complainant submitted to the Respondent and find that such information is not sufficient to establish that the Complainant's mother has been dependent on the Complainant for over one-half of her support for a continuous period of one year. Although the Complainant claims he has listed his mother as a dependent on Federal and State income tax returns, he has not submitted copies of his tax returns or a statement from a certified public accountant or notary public to support his assertion. In addition, the household bills and payment receipts submitted do not indicate that the Complainant has regularly paid such bills over a one year period. Absent sufficient proof of dependency, the Trustees conclude that the Respondent is not responsible for providing health benefits coverage for the Complainant's mother. The Trustees note, however, that the Respondent may reconsider the Complainant's mother's eligibility for health benefits coverage upon submission of additional evidence.

#### Opinion of the Trustees

Absent sufficient proof of dependency, the Respondent is not responsible for providing health benefits coverage for the Complainant's mother.