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## OPINION OF TRUSTEES

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### In Re

Complainant: Employee  
Respondent: Employer  
WOO Case No: 88-040 - November 8, 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 has been employed by the Respondent since July 10, 1987. The Complainant states that his mother, who had lived with him previously, returned to live with him in July 1988. The Complainant contends that his mother is fully dependent on him, and that she is therefore entitled to health benefits coverage. The Complainant states that the Respondent has refused to provide health benefits coverage for his mother.

The Respondent states that to be eligible for health benefits coverage under its benefit plan implemented through Connecticut General Life Insurance, an employee's dependent parent's income must not exceed \$200.00 per month. The Respondent contends that the Complainant's mother receives \$400.00 per month in Social Security benefits; therefore, she does not qualify for health benefits coverage. The Respondent also contends that the Complainant's mother is not eligible for health benefits coverage because she has not been dependent upon and living in the same household with the Complainant for a continuous period of at least one year.

### 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 because she resides in the Complainant's household and is fully dependent upon him.

Position of the Respondent: The Complainant's mother is not eligible for health benefits coverage under the terms of the Employer Benefit Plan because her income exceeds \$200 per month and because she has not been dependent upon and living in the same household with the Complainant for a continuous period of one year.

#### 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 A, 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 argued that the Complainant's mother is not eligible for health benefits coverage because her monthly income exceeds the \$200 limitation set forth in its benefit plan implemented through Connecticut General Life Insurance and in Q&A H-22(78)(copy enclosed herein). Q&A H-22(78), which interpreted Article II D. of the Employer Benefit Plan, has been superseded by Q&A H-2(81)(copy enclosed herein). Q&A H-2(81) does not include the \$200 per month income limitation; rather it requires that the participant must regularly provide over one-half of the parent's support to establish dependency, and that the parent must reside in the same household as the participant for a continuous period of one year. Inasmuch as the Complainant's mother returned to live with him in July 1988, she has not resided in the same household as the Complainant for a continuous period of one year. Therefore, even if the dependency requirement can be met, the Complainant's mother has not satisfied the residency requirement of Article II D. of the Plan and the Respondent is not responsible for providing health benefits coverage for her until both requirements have been met.

#### Opinion of the Trustees

The Respondent is not responsible for providing health benefits coverage for the Complainant's mother.