
OPINION OF TRUSTEES

In Re

Complainant: Pensioner
Respondent: Employer
ROD Case No: 88-149 - September 13, 1989

Board of Trustees: Joseph P. Connors, Sr., Chairman; Paul R. Dean, Trustee; William Miller, Trustee; Donald E. Pierce, Jr., Trustee; Thomas H. Saggau, 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 a Pensioner under the terms of the Employer Benefit Plan.

Background Facts

The Complainant was injured while working in a classified job for the Respondent until June 25, 1985. As a result of this injury, the Complainant was awarded Workers' Compensation benefits. Funds' records indicate that the Complainant was unable to return to work because of pain and back problems. In March 1986, the Complainant applied for Social Security Disability Insurance ("SSDI") benefits under Title II of the Social Security Act. His application was approved on appeal by an Administrative Law Judge on June 22, 1987, with a disability onset date of June 25, 1985.

In August 1987, the Complainant applied for disability pension benefits under the UMWA 1974 Pension Plan. He was awarded a 1974 Pension Plan Minimum Disability pension, retroactive to July 1, 1985. The Complainant was advised to contact the Respondent, his last signatory employer, regarding his eligibility for health benefits. The Complainant states that the Respondent refuses to provide his health benefits coverage.

The Respondent has submitted company records and correspondence which indicate that it contested the Complainant's award of Workers' Compensation benefits. The Respondent contends that the Complainant is not totally disabled and is not eligible for health benefits coverage as a Pensioner.

Dispute

Is the Respondent responsible for providing health benefits coverage for the Complainant as a Pensioner?

Positions of the Parties

Position of the Complainant: The Respondent is responsible for providing health benefits coverage for the Complainant as a Pensioner.

Position of the Respondent: The Respondent is not responsible for providing health benefits coverage for the Complainant because the Complainant is not totally disabled, as required to qualify for a disability pension.

Pertinent Provisions

Article I (1), (2) and (5) 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.
- (5) "Pensioner" shall mean any person who is receiving a pension, other than (i) a deferred vested pension based on less than 20 years of credited service, or (ii) a pension based in whole or in part on years of service credited under the terms of Article II G of the 1974 Pension Plan, or any corresponding paragraph of any successor thereto, under the 1974 Pension Plan (or any successor thereto), whose last classified signatory employment was with the Employer, subject to the provisions of Article II 8 of this Plan.

Article II 8. (1) of the Employer Benefit Plan provides:

Article II - Eligibility

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

B. Pensioners

Health benefits and life insurance under Article III hereof shall be provided to Pensioners as follows:

- (1) Any Pensioner who is not again employed in classified signatory employment subsequent to
 - (a) such Pensioner's initial date of retirement under the 1974 Pension Plan, and
 - (b) February 1, 1988, shall be eligible for coverage as a Pensioner under, and subject to all other provisions of this Plan. Notwithstanding (i) and (ii) of the definition of Pensioner in Article I(S) of this Plan, any such Pensioner who was eligible for benefits under the 1974 Benefit Plan as a Pensioner on December 5, 1977, shall be eligible for such benefits, subject to all other provisions of this Plan.

Discussion

Article II B. of the Employer Benefit Plan establishes that an individual who is eligible for pension benefits under the UMWA 1974 Pension Plan is eligible for health benefits coverage under the Employer Benefit Plan with certain exceptions not relevant here.

The Complainant was awarded a 1974 Pension Plan Minimum Disability Pension, effective July 1, 1985. The evidence submitted by the Respondent and the evidence contained in the Complainant's record has been reviewed, and the Funds' original decision that the Complainant is entitled to a Minimum Disability Pension pursuant to Article II D. of the 1974 Pension Plan has been confirmed. Inasmuch as the Complainant receives a 1974 Pension Plan Minimum Disability pension, he is eligible for health benefits coverage as a Pensioner under Article II B. of the Employer Benefit Plan established by his last signatory Employer, the Respondent. Therefore, the Respondent is responsible for providing health benefits coverage for the Complainant and his eligible dependents, effective July 1, 1985, for as long as he continues to satisfy the eligibility requirements of Article II B. of the Employer Benefit Plan.

Opinion of the Trustees

The Respondent is responsible for providing health benefits coverage for the Complainant and his eligible dependents, effective July 1, 1985, for as long as the Complainant continues to satisfy the requirements of Article II 8. of the Employer Benefit Plan.