
OPINION OF TRUSTEES

In Re

Complainant: Divorced Spouse of a Deceased Pensioner
Respondent: Employer
ROD Case No: 88-224 - February 28, 1990

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 under the terms of the Employer Benefit Plan.

Background Facts

The Complainant was divorced from a 1974 Pension Plan Pensioner on March 2, 1984. During their marriage, the Complainant and the Pensioner had adopted a daughter. The daughter has lived with the Complainant since the divorce. After the divorce, the Respondent, a signatory Employer, continued to provide health benefits coverage for the Complainant's daughter as the dependent child of a 1974 Plan Pensioner. The Pensioner later remarried. The Pensioner died on April 20, 1989, and his surviving spouse was awarded a Surviving Spouse benefit under the 1974 Pension Plan. The Respondent terminated health benefits coverage for the Complainant's daughter. The Complainant asserts that her daughter is entitled to health benefits coverage as a surviving dependent of the deceased Pensioner.

The Respondent states that according to the Employer Benefit Plan, the child does not qualify for coverage as a surviving dependent because she is not supported by nor living with the Pensioner's surviving spouse.

Dispute

Is the Complainant's daughter entitled to health benefits coverage as a surviving dependent of a deceased Pensioner?

Positions of the Parties

Position of the Complainant: The Respondent is responsible for providing health benefits coverage for the Complainant's daughter as a surviving dependent of a deceased Pensioner.

Position of the Respondent: The Complainant's daughter does not qualify for health benefits coverage as a surviving dependent of a deceased Pensioner because she is not supported by nor living with the Pensioner's surviving spouse.

Pertinent Provisions

Article II. 0. (2) and E. (2) of the Employer Benefit Plan provide:

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:

...

- (2) Unmarried dependent children of an eligible Employee or Pensioner who have not attained age 22;

...

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.

E. Surviving Spouse and Dependents of Deceased Employees or Pensioners

Health benefits under Article III shall be provided to (i) any unmarried surviving spouse (who was living with or being supported by the Employee or Pensioner immediately prior to the Employee's or Pensioner's death) and (ii) such spouse's unmarried surviving dependent children as defined in subparagraphs (2) and (5) of paragraph D of an Employee or Pensioner who died:

...

- (2) Under conditions which qualify such spouse for a Surviving Spouse benefit under the 1974 Pension Plan or any successor thereto:

...

Discussion

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Article II E. of the Employer Benefit Plan stipulates that health benefits coverage shall be provided to a deceased Pensioner's surviving spouse and to such spouse's unmarried dependent children as defined in Article II D. Article II. D. states that a person shall be considered dependent upon an eligible spouse if the spouse provides on a regular basis over one-half of the person's support. Inasmuch as the child in this case is not the child of the Pensioner's surviving spouse, and is not supported by or living with the deceased Pensioner's surviving spouse, she is not entitled to health benefits as a surviving dependent under the terms of Article II E. of the Employer Benefit Plan.

Opinion of the Trustees

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