
OPINION OF TRUSTEES

In Re

Complainant: Employee
Respondent: Employer
ROD Case No: 88-245 - August 13, 1991

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 an Employee's claimed common-law spouse under the terms of the Employer Benefit Plan.

Background Facts

The Complainant has been employed in a classified position with the Respondent since February 6, 1981. In July 1987, the Complainant advised the Respondent that he had entered into a common-law marriage on August 6, 1986 and that he provided over one-half of the support for his common-law spouse's daughter by a previous marriage. The Respondent requested evidence that the claimed common-law spouse was divorced from her previous spouse. The Respondent also requested a copy of the child's birth certificate in order to determine her eligibility for health benefits coverage. The Respondent denied coverage after determining that the claimed common-law spouse was still married.

On August 19, 1988, the Complainant submitted a copy of a divorce decree indicating that his claimed common-law spouse was divorced on April 14, 1988. The Complainant also submitted affidavits stating that he had entered into a common-law marriage, that he recognizes both of his common-law spouse's daughters by a previous marriage as his stepchildren and that he provides over one-half of their support and is their sole provider. The Respondent enrolled the Complainant's claimed common-law spouse and her daughters for health benefits coverage as eligible dependents of the Complainant, effective August 19, 1988.

The Respondent states that it was contacted on July 31, 1989 by a representative from the Utah Department of Social Services who requested information regarding the Complainant's claimed common-law spouse's eligibility for health benefits coverage. The Respondent informed the Social Services representative that it was providing health benefits coverage for her as a common-law spouse. The Respondent states that the Complainant's claimed common-law spouse informed the Respondent the following day, August 1, 1989, that she was not, and had

never been, the Complainant's common-law spouse. The Respondent then terminated health benefits coverage for the claimed common-law spouse and her youngest daughter, effective August 1, 1989. Health benefits coverage for the older daughter had been terminated on April 6, 1989, when she attained age 22.

The Complainant initially filed this ROD seeking health benefits coverage for his claimed common-law spouse's 17-year-old daughter. The Complainant claims that she is eligible for health benefits coverage as his child because he provides more than half of her support. The Complainant subsequently requested that this ROD also address his claimed common-law spouse's eligibility for health benefits coverage. The Complainant states that he has been living with and supporting her for over four years. The Complainant has submitted a copy of his claimed common-law spouse's divorce decree and a copy of his 1988 Federal income tax return on which he claimed filing status as head of household and listed the claimed common-law spouse's youngest daughter as a dependent stepdaughter. The Complainant states that his claimed common-law spouse was not listed on his tax return because they filed separate returns.

The Respondent states that because the claimed common-law spouse's daughter is not the Complainant's natural daughter nor his adopted daughter, she would qualify for health benefits coverage only if her mother is eligible for coverage as the Complainant's legal or common-law spouse. The Respondent states that after coverage was terminated for the Complainant's claimed common-law spouse and daughter in August 1989, the Complainant was asked on several occasions to submit additional documentation to verify his claimed common-law marriage. Documents requested by the Respondent include the following: joint bank account statements; property tax notices; statements from disinterested parties or an attorney acknowledging the Complainant's common-law marriage; and an affidavit signed by the Complainant and his common-law spouse stating that they are living together openly as married persons and are recognized as such in the community. The Respondent states that the Complainant has not responded to its requests for additional documentation.

Dispute

Is the Respondent required to provide health benefits coverage for the Complainant's claimed common-law spouse and her daughter by a previous marriage?

Positions of the Parties

Position of the Complainant: The Respondent is required to provide health benefits coverage for the Complainant's claimed common-law spouse and her daughter because the Complainant and his claimed common-law spouse have lived together for over four years, and because the Complainant is the child's legal guardian and he provides over one-half of her support. The Complainant states that he is not required to provide additional documentation of his common-law marriage because other Employees have not been required to do so.

Position of the Respondent: The Respondent is not required to provide health benefits coverage for the Complainant's claimed common-law spouse and her daughter by a previous marriage because the Complainant has not provided acceptable proof of a valid common-law marriage.

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 A. (1) and (4) and II D. (1) and (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:

A. Active Employees

Benefits under Article III shall be provided to any Employee who:

- (1) is actively at work* for the Employer on the effective date of the Wage Agreement; or
- (4) A new Employee will be eligible for health benefits from the first day worked with the Employer.

*Actively at work includes an Employee of the Employer who was actively at work on January 31, 1988, and who returns to active work with the Employer two weeks after the effective date of the Wage Agreement.

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:

- (1) A spouse who is living with or being supported by an eligible Employee or Pensioner;
- (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.

Question and Answer H-1 (81) states:

Subject: HEALTH BENEFITS; Common-Law Marriage, Children of a Common-Law Marriage

Reference: (50B) II C; (74B) II C

Question:

If a participant enters a common-law relationship, what is the health benefit status of:

- (1) the common-law spouse?
- (2) a 10-year-old child, by a former marriage, of the common-law spouse?
- (3) a child born of the common-law marriage?

Answer:

If there is no living spouse of either party in the background, a valid common-law marriage exists if the relationship has been one of substantial and continuous duration and the parties have been living together openly as married persons and are recognized as such in the community.

Assuming a valid common-law marriage has been established, the dependent spouse will be eligible for health benefits and the children will also be eligible if they are dependent on the participant.

Discussion

Article II D. (1) of the Employer Benefit Plan provides health benefits coverage for a spouse who is living with or being supported by an eligible Employee or Pensioner. The issue of eligibility for health benefits coverage of a common-law spouse and such spouse's children by a previous marriage has been addressed by the Trustees in Q&A H-1 (81). The Trustees stated that, if there is no living spouse of either party in the background, a valid common-law marriage exists if the relationship has been of substantial and continuous duration and the parties have been living together openly as married persons and are recognized as such in the community. If a valid common-law marriage is established, the dependent spouse will be eligible for health benefits coverage under the Employer Benefit Plan and the children by a former marriage of the common-law spouse will also be eligible for health benefits coverage if they meet the dependency requirement set forth in Article II D. (2) of the Plan.

The Complainant's claimed common-law spouse and her daughter from a previous marriage were enrolled as eligible dependents under the Respondent's benefit plan effective August 19, 1988. However, the information submitted in this case indicates that about one year later the Complainant retracted the affidavits he had submitted as evidence of a common-law marriage. Furthermore, his claimed common-law spouse denied having a common-law relationship with the Complainant. Although the Complainant now claims a common-law relationship exists, he has not responded to the Respondent's requests to submit information to support his claim. The documentation filed by the Complainant with this ROD - a copy of the divorce decree from his claimed common-law spouse's previous marriage and a copy of his 1988 Federal income tax return - is not sufficient to establish that the Complainant and his claimed common-law spouse have been living together openly as married persons and are recognized as such in the community. Accordingly, the Trustees are unable to conclude that a valid common-law marriage has been established, and the Complainant's claimed common-law spouse is not entitled to health benefits coverage under the Employer Benefit Plan.

The Complainant has alleged that his claimed common-law spouse's daughter from a previous marriage is eligible for coverage because he is her legal guardian and provides over one-half of her support. Article II D. (2) of the Employer Benefit Plan provides health benefits coverage for an Employee's unmarried dependent children who have not attained age 22. Q&A H-3(81) (copy enclosed herein) states that stepchildren, illegitimate children and adopted children may qualify for coverage as dependents of Plan participants. The claimed common-law spouse's daughter in this case is not the Complainant's natural or adopted child and, inasmuch as a valid common-law marriage has not been established, she does not qualify for coverage as a stepchild of the Complainant. Accordingly, the Respondent is not required to provide her with health benefits coverage.

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Because the Complainant has failed to submit sufficient evidence of a valid common-law marriage, the Respondent is not required to provide health benefits coverage for the Complainant's claimed common-law spouse and daughter from a previous marriage.