
OPINION OF TRUSTEES

In Re

Complainant: Employee
Respondent: Employer
ROD Case No: 88-282 - June 12, 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 for the dependent of an Employee.

Background Facts

The Complainant is eligible for health benefits coverage from the Respondent as an active Employee. According to a court document submitted by the Complainant in this case, the Complainant was awarded legal custody of his niece on November 17, 1988. A representative for the Complainant asks whether the Complainant's niece is eligible for health benefits coverage since the Complainant is her legal guardian and he provides full support. The representative states that adoption procedures cannot be initiated by the Complainant because the parents of the child cannot be located.

The Respondent states that the Complainant's niece is not eligible for health benefits coverage because nieces are not listed as eligible dependents under Article II D. of the Employer Benefit Plan. The Respondent also states that its position is supported by a previous decision of the Trustees in ROD 84-209.

Dispute

Whether the Respondent is required to provide health benefits coverage for the Complainant's niece.

Positions of the Parties

Position of the Complainant: The Complainant's niece should be eligible for health benefits coverage because the Complainant has been appointed her legal guardian, he provides all of her support, and he cannot initiate adoption proceedings.

Position of the Respondent: Under the terms of the Employer Benefit Plan and consistent with a previous decision of the Trustees, the Complainant's niece does not qualify for health benefits coverage as an eligible dependent of the Complainant.

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. 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:

- (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;
- (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;

- (4) Unmarried dependent grandchildren of an eligible Employee, Pensioner or spouse who have not attained age 22 and are living in the same household (residence) with such Employee or Pensioner;

- (5) Dependent children (of any age), of an eligible Employee, Pensioner or spouse, who are mentally retarded or who become disabled prior to attaining age 22 and such disability is continuous and are either living in the same household with such Employee or Pensioner or are confined to an institution for care or treatment. Health benefits for such children will continue as long as a surviving parent is eligible for health benefits.

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 provides health benefits coverage for certain dependent family members of any Employee, Pensioner or disabled Employee receiving health benefits pursuant to paragraphs A, B, or C of Article II of the Plan. However, a niece is not included among the eligible dependent family members. The issue of an Employee's niece's eligibility for health benefits coverage has previously been addressed by the Trustees in ROD 84-209 (copy enclosed herein). The Trustees concluded that the niece of an Employee does not qualify for health benefits unless she is adopted by the Employee. Thus, although the Complainant has been awarded custody of his niece and provides all of her support, his niece does not qualify for health benefits coverage under Article II D. of the Plan, notwithstanding the fact that the Complainant claims adoption proceedings cannot be initiated. Accordingly, the Respondent is not required to provide health benefits coverage for the Complainant's niece.

Opinion of the Trustees

The Respondent is not required to provide health benefits coverage for the Complainant's niece under the terms of the Employer Benefit Plan.