
OPINION OF TRUSTEES

In Re

Complainant: Employee
Respondent: Employer
ROD Case No: 88-465 - January 21, 1992

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 for the daughter of an Employee under the terms of the Employer Benefit Plan.

Background Facts

The Complainant is a classified Employee of the Respondent, a signatory Employer. The Respondent provided health benefits coverage for the Complainant's daughter, whose date of birth is July 4, 1969, as a dependent child of the Complainant. Early in 1991, during a company-wide health insurance re-enrollment period, the Respondent requested that the Complainant submit evidence to document that he regularly provides over one-half of his daughter's support in order to verify her eligibility for health benefits coverage as his dependent. The Complainant submitted his 1989 income tax return on which he did not claim his daughter as a dependent. The Respondent terminated the Complainant's daughter's health benefits coverage on February 18, 1991 stating that the Complainant had failed to provide sufficient documentation to establish that he provides over one-half of his daughter's support.

The Complainant contends that he provides over one-half of his daughter's support but that he could not claim her as a dependent on his income tax return because of other exemptions claimed. The Complainant claims that, according to the Employer Benefit Plan, his daughter was eligible for coverage until she reached 22 years of age on July 4, 1991, and the Respondent is therefore responsible for payment of all her covered medical expenses incurred prior to July 4, 1991.

Dispute

Whether the Respondent is required to provide health benefits coverage for the Complainant's daughter for the period from February 19, 1991 through July 4, 1991.

Positions of the Parties

Position of the Complainant: The Respondent is required to provide health benefits coverage for the Complainant's daughter from February 19, 1991 until her 22nd birthday on July 4, 1991 because the Complainant provided over one-half of her support during this period.

Position of the Respondent: The Respondent is not required to provide health benefits coverage for the Complainant's daughter beyond February 18, 1991 because the Complainant has not submitted sufficient documentation to establish that he was providing over one-half of his daughter's support.

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. (2) 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:

- (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.

Discussion

Article II D. of the Employer Benefit Plan states that health benefits coverage under Article III shall be provided to an Employee's unmarried dependent children who have not attained age 22. Article II D. further states that a person shall be considered dependent upon an eligible Employee if such Employee provides on a regular basis over one-half of the support to such person. According to Q&A H-2 (81) (copy enclosed herein), support includes the fair rental value of lodging, reasonable cost of board, clothing, miscellaneous household services and education expenditures; support is not limited to necessities.

The Complainant contends that he provided over one-half of his daughter's support through July 4, 1991, when she attained age 22, and that the Respondent is required to provide her health benefits coverage until that date. The Trustees have previously concluded in ROD 88-265 (copy enclosed herein) that an Employer may require Employees to furnish reasonably available information at reasonable Intervals to establish, update, or verify date of birth, marital status and dependency for a spouse or a dependent. The Respondent states that the Complainant has failed to supply the information necessary for a determination of dependency. The documentation submitted by the Complainant - his 1989 tax return on which he did not claim his daughter as a dependent - is inconclusive in establishing that the Complainant was regularly providing over one-half of his daughter's support at the time of the Employer's re-enrollment period. Unless the Complainant provides documentation to establish that he regularly provided over one-half of his daughter's support, the Respondent is not required to provide health benefits coverage for the Complainant's daughter beyond February 18, 1991, when coverage was terminated.

Opinion of the Trustees

Absent sufficient proof of dependency, the Respondent is not required to provide health benefits coverage for the Complainant's daughter during the period from February 19, 1991 through July 4, 1991, when she attained age 22.