
OPINION OF TRUSTEES

In Re

Complainant: Employee
Respondent: Employer
ROD Case No: 88-664 - July 8, 1993

Board of Trustees: Michael H. Holland, Chairman; Thomas F. Connors, Trustee;
Marty D. Hudson, Trustee; Robert T. Wallace, Trustee.

The Trustees have reviewed the facts and circumstances of this dispute concerning the provision of benefits for an Employee's parent 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 to the Complainant's mother as an eligible dependent beginning February 2, 1989. The Complainant's mother was notified by letter dated June 4, 1992, that she was eligible to receive Workers' Compensation benefits retroactive to March 11, 1988. On July 25, 1992 the Complainant's mother received her first benefit payment. The Respondent terminated the Complainant's mother's health benefits coverage effective June 4, 1992.

The Complainant contends that his mother is eligible for health benefits coverage as his dependent until July 25, 1992, the date she received her first benefit payment from Workers' Compensation. The Respondent states that the Complainant's mother's eligibility for health benefits coverage ceased on June 4, 1992, when she received notification of her Workers' Compensation award, because she was no longer dependent upon the Complainant for support.

Dispute

Is the Respondent required to provide health benefits coverage for the Complainant's mother beyond June 4, 1992?

Positions of the Parties

Position of the Complainant: The Respondent is required to provide health benefits coverage to the Complainant's mother until July 25, 1992, the date she received her first benefit payment.

Position of the Respondent: The Respondent is not required to provide health benefits coverage to the Complainant's mother beyond June 4, 1992 because the Complainant's mother was no longer dependent upon him for 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. (3) 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:

- (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;

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 parent, if the parent has been living in the same household with the eligible Employee for a continuous period of at least one year and the Employee provides over one-half of the parent's support. The Respondent contends that the Complainant ceased providing over one-half of his mother's support effective June 4, 1992 when she was notified of her eligibility for Workers' Compensation benefits. Inasmuch as the Complainant's mother received her first benefit payment from Workers' Compensation on July 25, 1992, the award is considered income on that date. Accordingly, the Complainant's mother qualifies for health benefits coverage through July 25, 1992, assuming that she otherwise meets the eligibility requirements of Article II D.

Opinion of the Trustees

The Respondent is required to provide health benefits coverage for the Complainant's mother through July 25, 1992, assuming that she otherwise meets the eligibility requirements of Article II D. through that date.