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OPINION OF TRUSTEES

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In Re

Complainant: Disabled Employee  
Respondent: Employer  
ROD Case No: 93-059 - March 4, 1997

Trustees: Thomas F. Connors, Michael H. Holland, Donald E. Pierce, Jr.,  
and Elliot A. Segal.

The Trustees have reviewed the facts and circumstances of this dispute concerning the provision of benefits under the terms of the Employer Benefit Plan.

Background Facts

The Complainant is a disabled employee who receives Social Security Disability Insurance benefits, has over 20 years of signatory service, has not attained age 55 and became disabled while employed with the Respondent. The Complainant received a divorce in July 1994. The divorce decree states that the child born during the marriage "is not the natural child" of the Complainant. The divorce decree also states that "parental rights or presumption that might have been created . . . by the birth of said child during the marriage . . . are hereby extinguished." The Complainant is not required to provide support for the child.

Following the Complainant's divorce, the Respondent terminated health benefits coverage for the Complainant's divorced spouse and the child. In July 1995, the Complainant requested that the Respondent reinstate health benefits coverage for the child.

Dispute

Is the Respondent required to reinstate health benefits coverage for Complainant's divorced spouse's child?

Positions of the Parties

Position of the Complainant: The Respondent is required to provide health benefits coverage for the child because the child lives with the Complainant part time and receives Social Security benefits as a dependent of the Complainant.

Position of the Respondent: The Respondent is not required to reinstate the child's health benefits coverage because the child is not an eligible dependent of the Complainant. The Respondent states that its position is supported by a previous decision of the Trustees in ROD 84-092.

Pertinent Provisions

Article I. (1), (2), (4) and (7) of the Employer Benefit Plan provides:

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 1993, 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

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.

Question and Answer (Q&A) H-3 (81) states:

Subject: Health Benefits; Dependent Children  
Reference: (50B) II C; (74B) II C

Question:

Assuming all elements of dependency are met, may the following relatives qualify for health benefits as dependents of participants?

- (1) Stepchildren, illegitimate children and adopted children
- (2) Grandchildren
- (3) Nieces, nephews, foster children, brother and sisters

Answer:

- (1) Stepchildren, illegitimate children and adopted children are covered for health benefits. Coverage for adopted children begins the date they begin living in the participant's household, provided the adoption process has begun.
- (2) Grandchildren are covered provided they are living in the same household as the participant. Their eligibility terminates upon the death of such participant; they are not included for health benefits as the dependent of a surviving spouse.
- (3) Nieces, nephews, foster children, brothers and sisters are not covered. They may be included, however, if adopted by the participant.

Discussion

Under Article II. D. (2) of the Employer Benefit Plan, health benefits are provided to unmarried dependent children of an eligible Employee who have not attained age 22. Q&A H-3 (81) further states that stepchildren, illegitimate and adopted children may qualify for health benefits coverage assuming all elements of dependency are met.

Following the Complainant's divorce in July 1994, the child ceased to be the Employee's stepchild. (See ROD 84-092.) Therefore, the child does not qualify for health benefits coverage as an eligible dependent of the Complainant.

Opinion of the Trustees

The Respondent is not required to reinstate health benefits coverage for the Complainant's divorced spouse's child.