

NAME:

SS#:

Warehouse Employees Union Local No. 730 Health & Welfare Trust Fund

EMPLOYER: Adams-Burch, Inc.
DATE OF HIRE: July 6, 2005
PLAN: C

LOCAL: 730
STATUS: Terminated, August 31, 2012
COBRA, September 1, 2012
through October 31, 2012

ISSUE: Eligibility – Reinstatement of COBRA Coverage

#E12/133-3089

FUND RULE:

"COBRA (Consolidated Omnibus Budget Reconciliation Act of 1985)

Continuation of coverage may be cut short or changed under the following circumstances:

- You fail to pay premiums on time

Timely retroactive payments must be made to the date of loss of eligibility either at the time of the election or within 45 days of the election. Ongoing payments must be made by the 30th day of the month following the month for which coverage is to be continued. Late payments can result in termination of coverage."

(Warehouse Employees Union Local No. 730 Health and Welfare Trust Fund SPD, Pages 24-26)

Personal Contributions ("Self-pay")

If you fail to earn either 300 hours in the current Calendar Work Quarter, or 600 hours in the preceding two Calendar Work Quarters, you may make personal contributions for up to 300 hours for the **current** Calendar Work Quarter only, for a maximum of two consecutive Calendar Work Quarters. **If you are eligible** to make these personal contributions, known as the "self-pay" option, the Fund Office will notify you of the amount due. Any amount due for continuing eligibility **must be paid before the Benefit Quarter begins.**

(Warehouse Employees Union Local No. 730 Health and Welfare Trust Fund SPD, Page 18)

SUMMARY: Appeal received: December 18, 2012

The **participant** is appealing for reinstatement of his COBRA coverage. The participant states that "the means to pay [his] COBRA coverage has become available" through a settlement for the accident that caused his termination from employment.

Fund records indicate the participant suffered a loss of eligibility effective June 1, 2012. A HIPAA statement and COBRA notice were mailed to the participant on May 16, 2012. The participant elected "self-pay" coverage and made a payment for the Benefit Quarter from May 31, 2012 through August 31, 2012. When no further self-payments were received, another HIPAA statement and COBRA notice were mailed to the participant on August 9, 2012. The participant's benefits terminated effective August 31, 2012, when no response to the COBRA notice was received.

The participant called the Fund office on August 31, 2012 and September 4, 2012, regarding continuing his coverage. He was advised that he must elect COBRA coverage to continue benefits because a self-payment was not received prior to September 1, 2012. Another COBRA election form was mailed to him on September 5, 2012. A completed COBRA election form and check (for September 2012 COBRA coverage) was received from the participant on October 1, 2012. The participant was then set up with COBRA coverage, retroactive to September 1, 2012. COBRA coupons were mailed to the participant on October 10, 2012. An October COBRA check was received from the participant on November 5, 2012. The participant's COBRA coverage was terminated on December 6, 2012 (retroactive to October 31, 2012) when no additional COBRA payments were received. A letter, advising of the termination of his COBRA coverage, and a HIPAA statement were mailed to the participant on December 10, 2012.

ACTION:

Approved

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Denied

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Tabled

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