



The defendant Trustees have filed the record of their determination of the plaintiff's claim for a pension,<sup>1</sup> and the parties have briefed cross-motions for summary judgment based on that record, pursuant to Federal Rule of Civil Procedure 56.

The 1974 Pension Plan defines the relevant eligibility requirements for a disability pension and states:

A Participant who . . . becomes totally disabled as a result of a mine accident . . . shall, upon retirement . . . be eligible for a pension while so disabled. A Participant shall be considered to be totally disabled only if by reason of such accident such Participant is subsequently determined to be eligible for Social Security Disability Insurance Benefits . . .

1974 Pension Plan, art. IIC. ( Defs.' Mem. Opp'n Pl.'s Mot. Summ. J. Ex. B at 7.)

Accordingly, a claimant seeking a disability pension under the 1974 Pension Plan must establish that (1) he was involved in a mine accident, (2) he has been awarded social security disability insurance ("SSDI") benefits, and (3) the SSDI award was based on a disability caused by the mine accident. The mine accident must have "proximately caused" or be "substantially responsible" for the disability, even

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<sup>1</sup> The plaintiff's pension file, which is kept by the Trustees and upon which they determined his claim, is hereafter referred to as "R." The plaintiff does not dispute the authenticity or completeness of the copy of the pension file submitted to the court.

though it may have acted in combination with a previous or subsequent condition.  
*Robertson v. Connors*, 848 F.2d 472, 475 (4th Cir. 1988).

The plaintiff asserts that he is disabled based on three separate mine accidents: one occurring in 1992 and two in 1994. The Trustees based their denial of a pension on the written recommendation of Marilyn S. Dyson, R.N., a disability pension analyst employed by the Trustees. In her written opinion Dyson found that while the records “allude[ed]” to a 1992 accident, “there are no records on file to document a mining accident at this time.” (R. at 17.)

In fact, the administrative record does contain records documenting the 1992 accident. (R. at 52-55.) Since it is possible that a further review of those records may affect the determination of the plaintiff’s claim, I will remand the case to the Trustees for further consideration.

Judgment will be entered in accord with this opinion.

DATED: January 23, 2001

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United States District Judge