



MAY 22 2014

BLBA BULLETIN NO. 14-03

Issue Date: May 2014

Expiration Date: Indefinite

Subject: Voluntary settlement of International Industries' federal black lung liability

Background: International Industries, Inc., was authorized to self-insure its federal black lung liabilities and the liabilities of its subsidiaries. On February 11, 2014, the Department of Labor's Division of Coal Mine Workers' Compensation (DCMWC) reached an agreement with International Industries, whereby International Industries was released from its federal black lung liability as an authorized self-insurer in exchange for a lump-sum payment. The agreement does not affect the liability of any insurance carrier.

Applicability: Appropriate DCMWC Personnel.

Purpose: To inform District Directors and staff that Industrial Industries has settled its federal black lung liability wherein a miner's last date of qualifying coal mine employment was with one of companies listed on page 2 of this bulletin, and to provide guidance for District Office staff in adjudicating claims in which the miner's last qualifying employment was with one of International Industries' subsidiary companies.

Action:

1. If one of the operators named below was the last employer for which the miner worked at least one year, and would normally be sent a notice of claim under 725.407, there is no need to notify the operator or request a 725.495 uninsured statement for the responsible operator from BSRP. These claims should be treated as BL Trust Fund (TF) claims.
Exception: If the claim is covered by commercial insurance, it should not be treated as a TF claim; the liable insurance carrier should be notified as usual.
2. Contact the Regional Solicitors' Office for any cases that are pending before OALJ, and the Division of Black Lung and Longshore Legal Services for any cases pending before the Benefits Review Board or a Court of Appeals, for possible dismissal and remand to the District Office for payment.
3. In order to maintain a CAPS system "record" of the relationship of this claim to the now expired International Industries Inc., values for the appropriate RO ID and IC ID numbers (NR255) must be entered/maintained unchanged on the Claim Master Screen.

4. The Responsible Operator Section in BSRP has:

- a. Provided the District Offices with a list of the claims potentially impacted by this settlement.
- b. Converted all paid claims to TF wherein International Industries was the responsible operator.
- c. Updated the CAPS ROIC Policy Screens to show the benefit end date.
- d. Updated the CAPS ROIC Policy Screens with the following information for any operator for whom International Industries Inc. is/has been identified as the applicable guarantor of an operator's self-insurance coverage:

“Per a February 2014 agreement between parent company, International Industries, and the DCMWC BL Trust Fund, all compensable claims not covered by commercial coverage will now be retroactively BL Trust Fund payable.”

The associated companies/subsidiaries are:

- a. 0138880 GILBERT IMPORTED HARDWOODS, INC.
- b. 0058380 LYNN LAND COMPANY
- c. 0049650 JUMACRIS MINING INC.
- d. 0146330 KITCHEKAN FUEL CORPORATION
- e. ***** HAMPDEN COAL COMPANY
- f. ***** CHAFIN BRANCH COAL COMPANY
- g. NR255 INTERNATIONAL INDUSTRIES INC.

Note that several of these companies have commercial insurance covering various periods. Claims covered by those policies should be treated normally.

Disposition: Retain this Bulletin until further notice or its incorporation into the Black Lung Library.



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Distribution: All DCMWC staff

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