

October 5, 2012
Rt. 3 Box 430 B
Fairmont, WV 26554

Dear Honorable Shelley C. Chapman,

I would like to first thank you for taking your valuable time to read my letter to you. I would like to share some of my thoughts and requests with you.

My husband, Julius Jacquez, is from many generations of coal miners. His family migrated from Mexico in the late 1800's in pursuit of a better life. On their journey to the coal fields in West Virginia, they had 8 of their 10 children. My husband was born in Lynch, KY, and later his family moved to Fairmont, West Virginia. As you know at that time, there were no laws against racial prejudice and the result was that he spent many years in a coal mining camp with the minority races. He did manage to get a high school education but could not find a job upon graduation, because of his ethnic group so he entered the Marine Corps and served our country in the Korean War.

After his service to our country, he returned to Fairmont and entered the mining profession. He worked six days a week with the company and was able to provide the finances for his 3 children to receive a college education. He worked long hours under difficult times to provide for his family then and for in the future. After 33 years in the mines and with 25% black lung, he retired under Southern Ohio Coal Company which later was bought by Peabody Coal Company. At this time we were guaranteed that all health benefits concerning the black lung would be covered until the death of my husband. Two years after his retirement, the doctors diagnosed him with a benign tumor

on his brain stem which was surgically removed. We were thankful for our health benefits at this time.

About 5 years ago we received notice that we would now be under Patriot Coal Company for our health benefits. Apparently Peabody Coal Company started Patriot Coal and along with the new company went our health benefits. We were then put under UMR with Patriot Coal. During this time my husband continued getting his medical check ups for each year. He is presently having an increase in difficult with his breathing because of his black lung and we can tell that it is getting worse as the months go by. He cannot do the work that he use to do such as cutting grass with a powered lawn mower, lifting heavy materials, walking a long distance, etc.

Now, Patriot Coal has filed for bankruptcy and our health benefits are in jeopardy. We cannot afford to buy a supplementary insurance to cover what Patriot Coal was obligated to do for us. My husband pays \$100.00 a month for Medicare now. We do not understand how a coal company in the rich coal fields of West Virginia cannot survive and has to file bankruptcy. Instead we believe that this move was done by Peabody Coal so that they could remove their obligation of providing health benefits to us and many other retirees who retired while working for their company. We do not understand how my husband who has worked his way from poverty, prejudice against him, and suffered bad working conditions in the mines to provide for himself and his family and now at a time when he needs the health benefits the most, they are in jeopardy.

We have never taken advantage of Patriot or Peabody coal companies. We never went to the doctor with ever ache or pain. Actually, I have been on a statin drug for 6 years and I need to have blood work done every 4 months. Instead of going to the

hospital and getting the work done which would cost \$350.00, I go to a multiphase clinic and pay \$25.00 and send the results to my doctor. We understand the cost of providing medical benefits and try to do our part. I know for sure that my husband's black lung condition is not going to get any better and we will not be able to pay additional medical costs for him and of course later for me.

Now that I have shared my story and our situation with you, I would ask that you will consider the Change of Venue motion that was filed by the UMWA and others so that the bankruptcy case can be settled in West Virginia. Patriot Coal Company purposely requested the hearing to be in New York because they know that the health benefits are for retired elderly people and these people cannot physically travel to New York to voice their concerns or let you know how it affects them through a show in numbers of retirees. The only way they can reach you or influence your decision is by letter and to be truthful my husband is now 82 years old and he cannot write a letter such as this to you. Since I am 13 years younger, I am able at this time to request the Change of Venue. Patriot Coal knows that if there is a problem in the coal fields, it should be settled in the state where the problem occurs. They are hoping by changing the venue, they will have an advantage to your decision in possibly you do not know the entire details. I am not saying that you don't know all the details and have not reviewed them, I am only saying that Patriot Coal believes it is to their advantage to have the venue in New York instead of West Virginia.

Secondly, I ask that if you should decide not to change the venue, please consider this letter and the circumstances of all retirees in West Virginia and not allow Peabody to accomplish what they are trying to do. I know that it concerns Peabody, Arch and Patriot coal companies but my husband and I have only worked with Peabody and Patriot. If

these three companies are allowed to do this with retirees benefits, other companies can do the same thing and all retirees will eventually lose their health benefits. This is a crucial time in the retirees lives and it is one in which we cannot afford to lose our health benefits. Peabody, Arch and Patriot made an agreement with us to provide our health benefits based on my husband and other retirees working for them in dangerous underground mines so they can accomplish their goal. Now, Peabody, Arch and Patriot Coal want to prevent us from reaching our goal of having a healthy life of retirement without stress of losing our health benefits and a life that is financially secured until our deaths. My husband kept his part of the agreement by working for them, but they do not want to keep their part of the agreement by paying for our health benefits.

Thank you for reading my letter.

Sincerely,

Charlotte Jacquoz
Julius Jacquoz

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Fairmont, W. Va. 26554

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U.S. BANKRUPTCY COURT
SD. DIST. OF NEW YORK

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