

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

In Re:)
)
PATRIOT COAL CORPORATION, *et. al.*,) Case No. 12-51502-659
) Chapter 11
)
Debtors.) Jointly Administered

ORDER

The matter before the Court is Claim Number 1257-1 (GCG Claim Number 540) of Creditor Roger L. Wyciskalla in the amount of \$750,000.00, Reorganized Debtors' Twenty-Fifth Omnibus Objection to Claims as to Creditor Roger L. Wyciskalla and Response filed by Creditor Roger L. Wyciskalla.¹ The Court also considers Creditor Roger L. Wyciskalla's correspondence and supplements to Claim Number 1257-1.² A hearing was held on February 25, 2014, at which Reorganized Debtors Patriot Coal Corporation, *et al*, appeared by counsel and Creditor Roger L. Wyciskalla appeared *pro sé*. Argument was presented and the matter was taken under submission. Upon consideration of the record as a whole, the Court rules as follows.

Creditor Roger L. Wyciskalla (hereinafter "Mr. Wyciskalla") is a former employee of Arch Coal, Inc., where he worked from 1985-1987. Mr. Wyciskalla became a coal miner as early as 1973 and worked for various coal mining companies prior to joining Arch Coal, Inc. Mr. Wyciskalla is a third generation coal miner. On September 1, 1987, Mr. Wyciskalla became permanently disabled after an accident in a coal mine. At the time of the accident, Mr. Wyciskalla was 37 years old and worked as an explosives blaster in which capacity he blew up overburden to expose the seam from which coal would ultimately be excavated. Since the accident, Mr. Wyciskalla has been involved

¹Docket Entry Number 5260.

²See Docket Entries Numbers: 3179, 3212, 3490, 3769, 3921, 4087, 4265, 4266, 4299, 4902, 5065, 5181, 5249, 5259 (which is simultaneously a Motion to Continue Hearing), 5364, 5380 and 5390.

in disputes with various entities with regards to receipt of benefits.

Mr. Wyciskalla filed Claim Number 1257-1 in the amount of \$750,000.00, admittedly, not because he believes he is entitled to these funds, but rather, he merely seeks a guarantee that he will receive the necessary funds to take care of himself for the rest of his life. Mr. Wyciskalla lives a fiscally-lean lifestyle and therefore asks for what he believes would be required to take care of himself going forward. Mr. Wyciskalla also mentions that he does not wish to be a burden to his children, who themselves have spouses and children.

As Mr. Wyciskalla is aware, he receives certain benefits pursuant to the Coal Act and has challenged whether he should receive additional benefits under the Federal Black Lung Benefits Act. Mr. Wyciskalla's entitlement under the Coal Act has not changed, though, the Court recognizes that the services that are required to be provided under the Coal Act will change over time. No action taken by Reorganized Debtors Patriot Coal Corporation, *et al.*, (hereinafter "Patriot") in these Chapter 11 cases have affected Patriot's obligations under the Coal Act. Mr. Wyciskalla remains a participant in Patriot's Coal Act Benefit Plan.

Generally speaking, Patriot is required to make certain contributions (i.e. make payments) to certain Qualified Benefit Plans, however, that is the extent of Patriot's obligation. Patriot has to date satisfied all of its obligations to the Qualified Benefit Plans to which it contributes. If Patriot does not meet its obligations to make certain contributions the various Qualified Benefit Plans, then Patriot would be liable to make the required payments. Patriot, however, is not obligated to any person who receives benefits from one of the Qualified Benefit Plans to which Patriot is required to contribute. Mr. Wyciskalla is one of thousands of retirees, former employees and/or disabled persons who receives benefits from Qualified Benefit Plans to which Patriot makes contributions. As such, Patriot is not directly liable to Mr. Wyciskalla.

This Court is exceptionally sympathetic to Mr. Wyciskalla's pleas and the basis for his requests. Mr. Wyciskalla has this Court's highest respect and appreciation for his service as a coal

miner, the detail of his correspondence with the Court and his candor. This Court however can only do that which it is empowered to do under the Bankruptcy Code, and this Court is not empowered to do what Mr. Wyciskalla asks. Therefore,

IT IS ORDERED THAT Reorganized Debtors' Twenty-Fifth Omnibus Objection to Claims is **SUSTAINED** and Claim Number 1257-1 of Creditor Roger L. Wyciskalla shall be disallowed.



KATHY A. SURRATT-STATES
Chief United States Bankruptcy Judge

DATED: March 11, 2014
St. Louis, Missouri 63102

Copies to:

All Creditors and Parties in Interest.