

## **EMPLOYER STATUS DETERMINATION**

American Wheel Service

This is the decision of the Railroad Retirement Board regarding the status of American Wheel Service (AWS) as an employer under the Railroad Retirement Act (45 U.S.C. § 231 et seq.) (RRA) and the Railroad Unemployment Insurance Act (45 U.S.C. § 351 et seq.) (RUIA).

AWS is a division of Progress Rail Services Corporation which was formerly known as Corbin Railway Service. AWS was purchased by Corbin Railway Service Company on December 2, 1991. On May 7, 1993, the Board found Corbin Railway Service Company to be neither a carrier by railroad nor controlled by or under common control with a carrier and therefore not a covered employer under the RRA and RUIA. See B.C.D. 93-34. In its decision, the Board also determined that none of the services performed by Corbin Railway Service Company employees were covered under the RRA and RUIA. Progress Rail Services, as did its predecessor, Corbin Railway Service Company, through its divisions, such as AWS, performs car repair and car cleaning for railroads. However, there is no indication that the facts as described in B.C.D. 93-34 have changed in any manner material to the decision reached in that case.

Consistent with the decision in B.C.D. 93-34, the Board finds that American Wheel Service is not an employer under the Railroad Retirement and Railroad Unemployment Insurance Acts.

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Glen L. Bower

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V. M. Speakman, Jr.

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Jerome F. Kever

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C. 591-94  
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**TO** : The Board

**FROM** : General Counsel

**SUBJECT:** Coverage Determination

Attached is a proposed coverage ruling for Board approval.

Catherine C. Cook

Attachment