

EMPLOYER STATUS DETERMINATION
American European Express, Inc.

This is the determination of the Railroad Retirement Board concerning the status of American European Express, Inc. (BA No. 6308) (AEE) 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).

In B.C.D. No. 93-68, the Board issued a decision on reconsideration which affirmed the decision of the Board's Deputy General Counsel in Legal Opinion L-90-38 that AEE became a sleeping car company within the definition of "employer" under the RRA and the RUIA effective November 15, 1989. AEE never filed any annual reports of service and compensation with the Board. Information obtained by the Board's Division of Audit and Compliance indicates that AEE ceased operations sometime in 1991 after a train derailment on June 21, 1991, which wiped out nearly half of its eleven-car fleet. Specifically, the latest information available is a news article dated October 25, 1991, issued by The Associated Press. That article indicated that AEE had changed the name of its train to the Greenbrier Express when it expanded its service to stop at Indianapolis; Greenbrier Resort in White Sulphur Springs, West Virginia; Baltimore; Wilmington, Delaware; Philadelphia and New York. The article stated that during the previous week, the Greenbrier Express canceled its twice weekly service between New York and Chicago and shelved plans for a New York-Miami service scheduled to begin November 19, 1991. The article also stated that sales had plummeted after the derailment on June 21, 1991. There is no evidence that AEE has operated after the date of the article.

Based on the information available, the Board finds that American European Express, Inc. ceased to be an employer under the RRA and the RUIA effective with the close of business on October 31, 1991, the last day of the last month during which evidence indicates that it operated.

Glen L. Bower

V. M. Speakman, Jr.

Jerome F. Kever

TO : The Board

FROM : Catherine C. Cook
General Counsel

SUBJECT: Coverage Determination
American European Express, Inc.

Attached is a proposed coverage ruling for Board approval.

Attachment