

EMPLOYER STATUS DETERMINATION
Green Bay and Western Railroad Company

This is the determination of the Railroad Retirement Board concerning the continued status of Green Bay and Western Railroad Company (GBW), B.A. No. 1609, 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).

Information regarding GBW was provided by Mr. John P. McNicholas, Jr., Vice President & Controller for ITEL Corporation. According to Mr. McNicholas, GBW ceased operations on August 27, 1993, the date GBW sold its assets to Fox Valley & Western Ltd (FVW), B.A. No. 5622. In Interstate Commerce Commission (ICC) Finance Docket No. 32035, decided December 4, 1992, Fox Valley & Western Ltd. filed a notice of exemption to acquire substantially all of the assets of GBW. Mr. McNicholas stated that GBW last compensated employees on November 19, 1993. GBW has not been formally dissolved as a corporation.

Section 202.11 (20 CFR §202.11) of the Board's regulations states:

The employer status of any company or person shall terminate whenever such company or person loses any of the characteristics essential to the existence of an employer status.

According to the information Mr. McNicholas provided, GBW sold all of its assets to FVW on August 27, 1993. GBW last compensated employees on November 19, 1993. GBW no longer possesses the characteristics of an operating railroad company covered by the acts; accordingly, under section 202.11 of the Board's regulations, GBW is no longer a covered employer under the RRA and RUIA.

Effective with the close of business November 19, 1993, Green Bay and Western Railroad Corporation ceased being a covered employer under the RRA and the RUIA.

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