

EMPLOYER STATUS DETERMINATION

Corinth & Counce Railroad Company

This is the determination of the Railroad Retirement Board concerning the continued status of Corinth & Counce Railroad Company (CCRC), B.A. No. 2556, 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 CCRC was provided by Mr. Jaime Taronji, Jr. and Mr. J.H. Burton, former Vice Presidents of CCRC. CCRC ceased train service operations on December 31, 1991. CCRC sold all assets and inventories to TennRail Corporation, B.A. No. 5542, on the same date. In Interstate Commerce Commission (ICC) Finance Docket No. 31966, decided on December 9, 1991, the ICC authorized TennRail to acquire and operate CCRC's rail line. Mr. Burton stated that CCRC is not dissolved as a corporation. All employees were terminated December 31, 1991, except for employees who were needed to perform administrative and accounting functions required to finalize the closing of CCRC. CCRC's remaining employee, Mr. J.H. Burton, last performed compensated service on December 31, 1992.

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.

The evidence establishes that, CCRC sold all assets and inventories and ceased rail operations on December 31, 1991. CCRC's remaining employee, last performed compensated service on December 31, 1992. CCRC no longer possesses the characteristics of an operating railroad company covered under the Acts; accordingly, under section 202.11 of the Board's regulations, CCRC is no longer a covered employer under the RRA and RUIA

The Board therefore finds that effective with the close of business December 31, 1992, Corinth and Counce Railroad Company was no longer a covered employer under the RRA and the RUIA.

Glen L. Bower

V. M. Speakman, Jr.

Jerome F. Kever

