

EMPLOYER STATUS DETERMINATION
Octoraro Railway, Inc.

This is the determination of the Railroad Retirement Board concerning the continued status of Octoraro Railway, Inc. (ORI) (B.A. No. 2332) 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 ORI was provided by Mr. Eric D. Gerst, president of ORI. According to Mr. Gerst, ORI ceased operations and last compensated employees on June 30, 1994. He also stated that ORI's assets are being sold to satisfy debts owed to lien creditors. He stated that the corporation 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. Gerst provided, ORI's assets are being sold to satisfy debts owed to creditors. ORI no longer possesses the characteristics of an operating railroad company covered by the Acts; accordingly, under section 202.11 of the Board's regulations, ORI is no longer a covered employer under the RRA and the RUIA.

Effective with the close of business June 30, 1994, Octoraro Railway, Inc. ceased being a covered employer under the RRA and the RUIA.

Glen L. Bower

V. M. Speakman, Jr.

Jerome F. Kever

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ORI2054.cov C. 2054-95

TO : The Board

FROM : Catherine C. Cook
General Counsel

SUBJECT: Coverage Determination
Octoraro Railway, Inc.

Attached is a proposed coverage ruling for Board approval.

Attachment

TO : The Board

FROM : Catherine C. Cook
General Counsel

SUBJECT: Employee Status

Attached is a proposed employee status ruling for Board approval.

Attachment