

EMPLOYER STATUS DETERMINATION
Southern Railway Services, Inc.

This is the decision of the Railroad Retirement Board regarding the continued status of the Southern Railway Services, Inc., (SRS) 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).

SRS was held to be an employer under the Acts effective September 15, 1996, (B.A. Number 3892). SRS went out of business and precise information regarding the termination of that company is not available. Mr. Ron Finkbeiner, formerly chief executive officer of SRS, advised that SRS ceased operations and last compensated its employees in November or December 2000. Mr. Finkbeiner also advised that the corporation was dissolved around that time.

Section 202.11 of the Board's regulations provides that:

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.

Through the cessation of operations and dissolution of the corporate structure, SRS has lost the characteristics essential to the existence of an employer status. Accordingly, the Board holds that SRS ceased to be an employer under the Railroad Retirement and Railroad Unemployment Insurance Acts effective with the close of business on December 31, 2000, the latest date as of which it may have operated and compensated employees. Cf. Rev Ruling 82-99, 1982-2 C.B. 154, wherein the Internal Revenue Service ruled that a railroad ceases to be an employer subject to taxes under the Railroad Retirement Tax Act when the railroad's employees stop performing services in connection with the railroad's carrier activities.

Original signed by:

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