B.C.D. 04-12

EMPLOYER STATUS DETERMINATION MAR 03 2004

McCormick-Ashland City & Nashville Railroad Co., Inc.

This is a determination of the Railroad Retirement Board concerning the continuing status of McCormick-Ashland City & Nashville Railroad Co., Inc. (MACNR) (B.A. No. 5518) 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). MACNR has been an employer under the RRA and RUIA, with service creditable from March 19, 1988.

Information regarding MACNR was furnished by Mr. Larry McCormick, President of MACNR. Information provided by Mr. McCormick indicates that employees were last compensated in June 1990. According to Mr. McCormick, MACNR ceased operations in June 1992. MACNR sold its locomotive in June 1993.

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. (20 CFR 202.11.)

The record in this case indicates that MACNR lost the characteristics essential to the existence of its employer status and ceased being a covered rail carrier employer effective June 30, 1993, the last day of the month in which it sold its locomotive.

Michael S. Schwartz

V. M. Speakman, Jr.

Jerome F. Kever