B.C.D. 04-31

EMPLOYER STATUS DETERMINATION **JUN 0 9 2004**
New Orleans Union Passenger Terminal

This is the decision of the Railroad Retirement Board regarding the continued status of the New Orleans Union Passenger Terminal (NOUPT) 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).

NOUPT was held to be an employer under the Acts effective April 16, 1954, (B.A. Number 4554). The Board was advised on April 26, 2004, by Corporate Realty, Inc., who managed NOUPT, that the company ceased operations on May 25, 2002. NOUPT last compensated an employee on July 19, 2002, when its only employee retired.

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 its cessation of operations, NOUPT has lost the characteristics essential to the existence of an employer status. Accordingly, the Board holds that NOUPT ceased to be an employer under the Railroad Retirement and Railroad Unemployment Insurance Acts effective with the close of business on July 19, 2002. 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.

Michael S. Schwartz

V. M. Speakman, Jr.

Jerome F. Kever