

EMPLOYER STATUS DETERMINATION
Monongahela Connecting Railroad Company

JUL 16 2004

This is the determination of the Railroad Retirement Board concerning the continuing status of the Monongahela Connecting Railroad Company (MCR) (B.A. No. 4335) 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). MCR has been an employer under the RRA and RUIA with service creditable from April 1, 1885.

Mr. William Kuhn, Controller, MCR, reported that MCR ceased its operations on July 31, 2002 and last compensated its employees on December 31, 2002. Pursuant to an agreement effective July 31, 2002, MCR was sold to LTV Steel Company and ALMONO LP. ALMONO LP purchased all land, track structures and buildings owned by MCR. Various equipment and rolling stock were sold to various parties prior to the sale. According to Mr. Kuhn, MCR is now an empty corporate structure waiting to file for Chapter 7 bankruptcy liquidation.

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.

Based on the information set forth above, it is the determination of the Railroad Retirement Board that Monongahela Connecting Railroad Company ceased being an employer under the RRA and RUIA on December 31, 2002, the date on which it last compensated its employees.

Original signed by:

Michael S. Schwartz

V. M. Speakman, Jr.

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