B.C.D. 01-32

EMPLOYER STATUS DETERMINATION
Southeast Kansas Railroad, Inc.

APR 04 2001

This is the determination of the Railroad Retirement Board concerning the continuing status of Southeast Kansas Railroad, Inc. (SKR), BA No. 3869, 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). SKR was ruled to be an employer under the RRA and RUIA effective April 13, 1987.

Pursuant to Surface Transportation Board Finance Docket No. 33603, decided August 7, 1998, the majority stockholders of the South Kansas & Oklahoma Railroad, Inc. (SKO), B.A. No. 3880, were granted an exemption to acquire control of SKR. Pursuant to a certificate of ownership and action on plan of merger, dated December 31, 1998, SKR merged with and into SKO pursuant to which the properties, business assets and liabilities of each corporation were combined into one surviving corporation which was SKO. SKR ceased to exist on January 1, 1999, the effective date of the merger. SKR employees were last compensated on December 31, 1998. This transaction was exempted from prior review and approval in Surface Transportation Board Finance Docket No. 33898, decided July 13, 2000.

In view of the foregoing, it is determined that Southeast Kansas Railroad, Inc. ceased to be an employer under the RRA and RUIA as of the close of business on December 31, 1998, the day that it ceased operation and last paid compensation to its employees.

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