B.C.D. 05-10

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EMPLOYER STATUS DETERMINATION
Saginaw Valley Railway Company

This is the decision of the Railroad Retirement Board regarding the continuing status of the Saginaw Valley Railway Company 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).

Saginaw Valley was held to be an employer under the Acts effective January 4, 1991 (B.A. Number 3282). On September 17, 2004, it was merged into Huron & Eastern Railway Company, Inc., also an employer under the Acts (B.A. No. 3267). Both companies were owned by RailAmerica, Inc., which is not covered under the Acts.

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 merger into Huron & Eastern Railway Company and its consequent termination of corporate existence, Saginaw Valley has lost the characteristics essential to the existence of an employer status. Accordingly, the Board holds that Saginaw Valley ceased to be an employer under the Railroad Retirement and Railroad Unemployment Insurance Acts effective with the close of business on September 17, 2004.

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