B.C.D. 05-46

OCT 11 2005

EMPLOYER STATUS DETERMINATION
Indiana & Ohio Central Railroad, Inc.

This is the decision of the Railroad Retirement Board regarding the continued status of Indiana & Ohio Central Railroad, Inc., 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).

Indiana & Ohio Central was held to be an employer under the Acts effective January 1, 1998, (B.A. Number 2381). On May 1, 2005, Indiana & Ohio Central merged into Indiana & Ohio Railway Company, a covered employer under the Acts (B.A. Number 2382), and ceased to exist.

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 Indiana & Ohio Railway Company and its consequent termination of corporate existence, Indiana & Ohio Central has lost the characteristics essential to the existence of an employer status. Accordingly, the Board holds that Indiana & Ohio Central ceased to be an employer under the Railroad Retirement and Railroad Unemployment Insurance Acts effective with the close of business on May 1, 2005.

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