

EMPLOYER STATUS DETERMINATION
Robeson County Railroad Corporation (RSNR)

This is a determination of the Railroad Retirement Board concerning the continuing status of Robeson County Railroad Corporation (RSNR) as an employer under the Railroad Retirement Act (45 U.S.C. §231 et seq.) and the Railroad Unemployment Insurance Act (45 U.S.C. §351 et seq.).

RSNR (B.A. # 3599) has been covered as an employer under the Railroad Retirement Act and Railroad Unemployment Insurance Act since June 29, 1984. (See Legal Opinion L-85-47).

On January 22, 2008, Mr. Murphy Evans, the former President of Saltville Railroad Company and current General Manager of L & S Holding Company, responded to the Board's Audit and Compliance Division concerning a request regarding the operating status of RSNR. The request was sent as part of an effort to review the status of existing covered employers that have not recently filed service and compensation reports.

Mr. Evans provided documentation of a merger. RSNR merged into L & S Holding Company on December 31, 1993, when Laurinburg & Southern (LRS) (B.A. #3536), Nash County Railroad (NCYR) (B.A. #2579), Yadkin Valley Railroad (YVRR) (B.A. #5529), and Robeson County Railroad (RSNR) (B.A. #3599) all merged into Laurinburg Oil. The new company was renamed L & S Holding Company.

This merger was confirmed in a March 15, 1994 letter to Ed Fleming from attorney Charlotte Offerdahl of the law firm of Robinson, Bradshaw, and Hinson, which operated as the legal advisor to the then newly formed L & S Holding Company. The letter explained that each railroad that had merged into L & S Holding Company continued to operate as its own division or its own separate entity using their assigned BA numbers.

Section 202.11 (20 CFR 202.11) of the Board's regulations states 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.

The evidence of record establishes that RSNR no longer possesses the characteristics of a railroad carrier employer within the United States. RSNR merged into Laurinburg Oil on December 31, 1993. The Board therefore finds that effective December 31, 1993, the date of the merger, Robeson County Railroad Corporation ceased being a covered employer under the Railroad Retirement and Railroad Unemployment Insurance Acts.

Original signed by:

FOR THE BOARD
Beatrice Ezerski
Secretary to the Board