

**EMPLOYER STATUS DETERMINATION**

**Indiana Eastern Railroad and Transportation, Inc.**

This is a determination of the Railroad Retirement Board concerning the continuing status of Indiana Eastern Railroad and Transportation, Inc. (IERT) 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.). IERT (B.A. No. 3331) has been an employer under the Railroad Retirement Act and Railroad Unemployment Insurance Act since September 1, 1978.

Information in the file indicates that in Car Service Order No. 1368, dated March 22, 1979, the Interstate Commerce Commission (ICC) authorized IERT, d/b/a The Hoosier Connection, to operate. In Legal Opinion L-79-192 IERT was found to be an employer covered by the Acts effective September 1, 1978.

In a letter dated May 13, 1985, Mr. L.G. Lewman, President of IERT, advised the agency that IERT "ceased railroad operations on December 31, 1984". Mr. Lewman further advised that December 31, 1984, was the last date IERT had employees, and while IERT had not yet been dissolved he expected "that this will take place within 30 days". Information contained in the file indicates that Mr. Lewman filed for bankruptcy on July 5, 1983, and as of September 3, 1985, most of the assets of IERT had been liquidated.

The agency librarian researched the Indiana Secretary of State's records and found information indicating IERT was administratively dissolved on December 31, 1987.

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.

As indicated above, information available indicates that Indiana Eastern Railroad and Transportation, Inc. became an employer under the Acts effective September 1, 1978. The research by the Division of Audit and Compliance, Office of General Counsel, and the agency librarian, as well

as information contained in Indiana Eastern Railroad and Transportation, Inc.'s file, indicates that IERT ceased to be an operational railroad on December 31, 1984. The evidence of record establishes that Indiana Eastern Railroad and Transportation, Inc., no longer possesses the characteristics of a railroad carrier employer. The Board therefore finds that effective December 31, 1987, the date IERT was administratively dissolved, Indiana Eastern Railroad and Transportation, Inc., 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