

B.C.D. 15-21

August 18, 2015

EMPLOYER STATUS DETERMINATION

Washington Transportation Group, LLC (WTG)

This is a determination of the Railroad Retirement Board concerning the continuing status of Washington Transportation Group, LLC (WTG) (BA No. 9630) as an employer under the Railroad Retirement Act (RRA) (45 U.S.C. §231 et seq.) and the Railroad Unemployment Insurance Act (RUIA) (45 U.S.C. §351 et seq.).

In B.C.D. 99-34, WTG was determined to be an employer under the Railroad Retirement Act and Railroad Unemployment Insurance Act effective January 1, 1999, the date it commenced operations. The Board's decision found that WTG was under common control with Montana Rail Link (MRL) (BA No. 3658) and I&M Rail Link (IMRL) (BA No. 5623), covered rail carriers, within the definition of an affiliate employer under Section 1(a)(1)(ii) of the RRA (45 U.S.C. § 231(a)(1)(ii)) and the corresponding provision of the RUIA.

In a letter dated May 18, 2015, Ms. Patty Seabaugh, payroll Manager for MRL, informed the Board that WTG consisted of one employee and that employee retired on May 31, 2013. Accordingly, Ms. Seabaugh stated that MRL had no wages to report due to the last employee's retirement. Additionally, in a letter dated June 10, 2015, Mr. Lawrence R. Simkins, President of WTG, stated that "WTG no longer engages in services or business activity involving the rail industry. Futhermore, as of June 1, 2013, WTG no longer employed any railroad-related employees."

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 WTG no longer possesses the characteristics of an operating railroad company. The Board therefore finds that effective May 31, 2013, the date its last employee retired, Washington

Transportation Group, LLC, ceased being a covered employer under the Railroad Retirement and Railroad Unemployment Insurance Acts.

Original signed by:

FOR THE BOARD

Martha P. Rico

Secretary to the Board