

~~163-8~~
Chicago 11, Illinois

FEB 1 - 1963

Director of Wage and Service Records

L 63 - 8

General Counsel

Boise Valley Livestock Commission Company, Inc. of
Caldwell, Idaho
Nampa Livestock Markets, Inc.

In Opinion L-55-397 dated July 21, 1955, the Boise Valley Livestock Commission Company was held to be an employer within the meaning of the Railroad Retirement and Railroad Unemployment Insurance Acts from August 1, 1954 (by reason of being a carrier by railroad subject to part I of the Interstate Commerce Act), but only with respect to the loading and unloading of railborne livestock.

In a letter dated October 30, 1962, Mr. H. L. Lawrence of the Nampa Livestock Markets, Inc., stated that effective July 1, 1962, the Boise Valley Livestock Commission Company, Inc. of Caldwell, Idaho, sold the Nampa Division of its operation to the Nampa Livestock Markets, Inc. In a subsequent letter dated December 4, 1962, Mr. Lawrence stated that the operation of the Nampa Livestock Markets, Inc., is substantially the same operation as performed by the Boise Valley Livestock Commission Company, Inc., prior to the sale to the Nampa Livestock Markets, Inc.

On the basis of the foregoing it is my opinion that the Boise Valley Livestock Commission Company, Inc., ceased to be an employer under the Acts as of July 1, 1962, with respect to the loading and unloading of railborne livestock at Nampa, Idaho, and that as of that date the Nampa Livestock Markets, Inc., became an employer only with respect to such loading and unloading at Nampa, Idaho.

Myles F. Gibbons
General Counsel

LT:jw