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The Director of Retirement Claims

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L-45 539

The General Counsel

Franklin and Clearfield Railroad Company

[REDACTED]
[REDACTED] Shippenville, Pennsylvania,
from September 1905 to March 1907

In response to your request, I herewith submit my opinion on the following:

QUESTION

Is service to the Franklin and Clearfield Railroad Company creditable under the Railroad Retirement Act?

OPINION

It is my opinion that the Franklin and Clearfield Railroad Company was not an "employer" under the Railroad Retirement Act or a "predecessor" within the meaning of Sections 1(f) and 202 of the act approved June 24, 1937. However, it appears that Mr. [REDACTED] may have been an employee of The Lake Shore and Michigan Southern Railway Company.

DISCUSSION

Information in the valuation report of the Interstate Commerce Commission on the Franklin and Clearfield Railroad Company is that that company was incorporated on June 19, 1902, under the laws of the Commonwealth of Pennsylvania; that it was consolidated with other railroad companies on March 8, 1909, to form the Jamestown, Franklin and Clearfield Railroad Company, and that the properties of the latter company were acquired by The New York Central Railroad Company on April 7, 1915; that at the date of consolidation and sale of its properties (March 8, 1909) the property owned by the Franklin and Clearfield consisted of approximately 56 miles of partially constructed single track, standard gauge steam railroad between Franklin and Rose Siding, Pennsylvania; that it was controlled on date of sale by The Lake Shore and Michigan Southern Railway

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Company and that "The construction work of the Franklin and Clearfield Railroad Company was all performed by the forces of The Lake Shore & Michigan Southern Railway Company."

Since from the foregoing it appears that the Franklin and Clearfield Railroad Company did not complete the building of any portion of its projected line of railroad, it was not an "employer" under the Railroad Retirement Act or a "predecessor" within the meaning of Sections 1(f) and 202 of the act approved June 24, 1937. General Counsel's Opinions L-39-437, L-38-232, L-44-96, L-44-17, L-45-51. Accordingly, service to the Franklin and Clearfield Railroad Company is not creditable under those Acts.

However, in view of the statement in the valuation report referred to above that all the construction work of the Franklin & Clearfield was performed by forces of The Lake Shore and Michigan Southern Railway Company, Mr. Greenland may have been an employee of the latter company and it is suggested that that angle be developed.

Myles F. Gibbons
General Counsel

HPC:lr