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AUG 17 1953

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The Director of Wage and Service Records

The General Counsel

Evansville Union Stock Yards Company

Answering your memorandum of June 18, 1953, we have not received evidence to justify a definitive ruling that the Evansville Union Stock Yards Company has not been an employer under the Railroad Retirement and the Railroad Unemployment Insurance Acts since December 31, 1952.

Some indication has been received, however, of a reduction in the amount of the railroad business conducted by the company which resulted in the July 1, 1952 ruling of coverage. While this does not seem sufficient to enable us to find that the company's rail activities have stopped or clearly become so insignificant that we might disregard them for coverage purposes, the Director of Internal Revenue for the State of Indiana has expressed his willingness to accept taxes from the company as though employment by it was covered exclusively by the Social Security Act and the corresponding provisions of the Internal Revenue Code. Although there has been no showing that this has been accepted by the Office of the Commissioner of Internal Revenue (or the Deputy Commissioner) which issued the original ruling of March 25, 1944, that the company was covered by subchapter B of Chapter 9 of the Internal Revenue Code (now known as the Railroad Retirement Tax Act), the decentralization of activities in the Bureau of Internal Revenue apparently has been such that the Director for the State of Indiana has concluded his office is authorized to issue the contrary ruling as to the later period. In this situation, it seems advisable for us to conform to the position of the Director to the extent of showing coverage at least to December 31, 1952 but withdrawing our ruling of July 1, 1952 in respect of later periods.

A G-341 effecting the change indicated will be released by this office.

Myles F. Gibbons
General Counsel

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