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Mr. R. J. Leibenderfer, Secretary
United States Freight Company
345 Hudson Street
New York 14, New York

Dear Sir:

The information submitted with respect to the Western Terminal Company (formerly T. R. Sorensen Terminal Company) has been carefully considered.

Although Western Terminal Company does not perform any loading or unloading, it does provide various terminal services for certain freight forwarding subsidiaries of the United States Freight Company previously ruled to be employers within the meaning of the Railroad Retirement and Railroad Unemployment Insurance Acts. Such services include the supervision of loading, checking amounts, preparation of railroad bills of lading, freight bills, and forwarder tariffs, payment of cartage bills, etc. Thus, it appears that the company has been performing services in connection with the transportation of property by railroad.

All the outstanding stock of the company was acquired on May 6, 1948 by the United States Freight Company, a wholly-owned subsidiary of The New York Central Railroad Company. In view of your contention that by virtue of his employment contract Mr. Sorensen retained control of the company until his death on October 30, 1950, the question of the company's status prior to October 31, 1950 will be reserved for a later ruling. It is clear, however, that Western Terminal Company has been indirectly controlled by The New York Central Railroad Company on and after October 31, 1950 and therefore has been an "employer" under the Railroad Retirement and Railroad Unemployment Insurance Acts at least since that time.

Very truly yours,

Myles F. Gibbons
General Counsel

HB/cc