



DEC 11 2009

MEMORANDUM FOR KEVIN G. STRICKLIN
Administrator for Coal
Mine Safety and Health

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SUBJECT: Fatality Review Committee Decision on Chargeability *Nancy Sahakian*

Case No.: 2009-C-04

Deceased: [REDACTED]

Date of Incident: January 28, 2009

Date of Death: January 28, 2009

Operator: Catenary Coal Company

Mine: Samples Surface Mine

Decision: Not Chargeable

In a unanimous decision, the Fatality Review Committee has determined that the death of [REDACTED] should not be charged to the mining industry. According to MSHA's investigation, the deceased had completed his shift at the Winchester underground mine and drove across the access road controlled by Catenary Coal Company's Samples Surface Mine. MSHA's investigation indicates that miners working at the Winchester Mine are permitted to use the Samples Surface Mine access road even though there is no affiliation or any type of working relationship between the two mining operations. In addition, [REDACTED] was not employed by Catenary Coal. Approximately half way down the access road the deceased lost control of his vehicle, traveling at a high rate of speed ran over two berms, rolling the vehicle several times and was ejected from the vehicle. The deceased was not wearing a seat belt. MSHA's investigation indicated the deceased was found sitting up and complaining of trouble breathing. Mine EMTs performed first aid and CPR was administered by Emergency Services, he was pronounced dead on arrival by a local area medical center. The Certificate of Death indicates that the cause of death was multiple injuries due to a motor vehicle accident. Based on the death certificate and the results of MSHA's investigation, the committee members concluded that [REDACTED] died from multiple injuries due to a motor vehicle accident and his death should not be charged to the mining industry.

cc: Joseph A. Main
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