



JAN 25 2010

MEMORANDUM FOR NEAL H. MERRIFIELD
Acting Administrator for Metal and
Nonmetal Mine Safety and Health

FROM:

KENNETH A. BULLOCK *Kenneth A. Bullock*
Chief, Program Policy Evaluation Office

HEIDI W. STRASSLER *Heidi W. Strassler*
Deputy Associate Solicitor for Mine Safety and Health

JEFFREY A. DUNCAN *Jeffrey A. Duncan*
Director for Educational Policy and Development

LINDA F. ZEILER *Linda F. Zeiler*
Acting Director of Technical Support

NANCY M. SAHAKIAN, MD *Nancy Sahakian*
Senior Program Management Consultant, Clinical Operations, Federal
Occupational Health Service, United States Public Health Service

SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: 2009-M-16-[REDACTED]

Deceased: [REDACTED]

Date of Incident: May 24, 2009

Date of Death: May 24, 2009

Operator: Mid-Atlantic Materials Inc.

Mine: Ashland Plant

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 fell into a pond, which was located on mine property, while fishing from a boat. The deceased was not currently employed by the mine operator, but had obtained a key to the gate of the mine property while employed by the mining company the previous summer. The Certificate of Death states that the cause of death was drowning. An autopsy was not performed.

Based on the Certificate of Death and the results of MSHA's investigation, the committee members concluded that [REDACTED] died from drowning and his death should not be charged to the mining industry.

cc: Joseph A. Main
Gregory R. Wagner, M.D.
Michael A. Davis