

U.S. Department of Labor

Mine Safety and Health Administration
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Arlington, Virginia 22209-3939



SEP 09 2011

MEMORANDUM FOR NEAL H. MERRIFIELD
Administrator for Metal and
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FROM:

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SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: 2010-M-39-[REDACTED]

Deceased: [REDACTED]

Date of Incident: November 20,
2010

Date of Death: November 20, 2010

Operator: Mid-East Services, Inc.

Mine: Howell Woods 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. [REDACTED], a 27 year old trespasser, was killed when his ATV traveled up a berm on a haulage road and crashed into a tree. The ATV was traveling at approximately 60 mph at impact and alcohol was believed to be a factor. The deceased was not wearing a helmet. A passenger, who was wearing a helmet, was thrown from the ATV and survived the crash. She was unconscious for about 4 hours and was finally able to call for assistance. [REDACTED] was pronounced dead on the scene by emergency crews.

The death certificate indicated that the death was accidental and was due to traumatic head injuries. [REDACTED] was neither a mine employee nor a contactor at the site. He had not been given permission to enter the property. The deceased apparently cut cables at the front entrance to gain access to the property and was riding the ATV at night.

The committee members determined that [REDACTED] was not a mine employee and was not engaged in mining related activity at the time of his death. The committee concluded that his death should not be charged to the mining industry.

cc: Joseph A. Main
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