



OCT 01 2008

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

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SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: C-2007-71 [REDACTED]

Deceased: [REDACTED]

Date of Incident: August 19, 2007

Date of Death: August 19, 2007

Operator: Summit Anthracite, Inc.

Mine: Summit Breaker

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. MSHA's investigation revealed that the deceased was riding a motorcycle on a mine access road when he struck a 3/4-inch wire rope, resulting in fatal injuries. The mine was idle at the time of the incident and the deceased was not authorized to be on mine property. Based on the results of MSHA's investigation, the committee members concluded that [REDACTED] death should not be charged to the mining industry because he was trespassing on mine property at the time of the incident that caused his death.

cc: Richard E. Stickler
John Pallasch
Robert M. Friend