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

FROM: GEORGE M. FESAK *George M. Fesak*  
Director, Program Evaluation and Information Resources

EDWARD P. CLAIR *Edward P. Clair*  
Associate Solicitor for Mine Safety and Health

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

*Mark E. Skiles*  
MARK E. SKILES  
Director of Technical Support

SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: C-2008-09 [REDACTED]

Deceased: [REDACTED]

Date of Incident: March 27, 2008

Date of Death: March 27, 2008

Contractor: Mass Transport, Inc.

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 disclosed that [REDACTED] was a foreman for Mass Transport, Inc., a trucking company that was contracted by the mine operator to haul two highwall miner cars from the factory to the Freeze Fork Surface Mine. The loaded trailer separated from the tractor at a railroad crossing in Stollings, WV. [REDACTED] was overseeing re-attaching the trailer to the tractor. He was struck in the head by a metal shim that broke loose as a loaded trailer was being jacked up to reconnect it to the tractor (truck). He died later from his

injuries. The railroad and railroad crossing are under the control of CSX Transportation, Inc., and the site of the accident is 6.4 miles from the Freeze Fork Surface Mine. The Occupational Safety and Health Administration investigated the accident.

Based on the results of MSHA's investigation, the committee members concluded that [REDACTED] death should not be charged to the mining industry because the accident did not occur on mine property and did not result from activity on mine property.

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