



OCT 06 2008

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, Educational Policy and Development

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

SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: C-2008-20-[REDACTED] Deceased: [REDACTED]

Date of Incident: March 01, 2008 Date of Death: March 01, 2008

Operator: Miller Bros. Coal, L.L.C. Mine: Buckeye 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. MSHA's investigation revealed that [REDACTED] and two other persons were traveling in a sport utility vehicle when the vehicle overturned on an access road of the Buckeye Surface Mine. [REDACTED] was fatally injured in the accident. The mine was idle at the time of the incident and the persons in the vehicle did not have any relationship

with the mining company. The entrance to the mine access road was posted with a no trespassing sign. Based on the findings of MSHA's investigation, the committee members concluded that [REDACTED] death should not be charged to the mining industry because she was trespassing on mine property at the time of the incident which caused her death.

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