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MEMORANDUM FOR KEVIN G. STRICKLIN
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Mine Safety and Health

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SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: C-2008-49- [REDACTED]

Deceased: [REDACTED]

Date of Incident: July 15, 2008

Date of Death: July 15, 2008

Operator: Solar Sources, Inc.
Contractor: Triple C Trucking, Inc.
Decision: Not Chargeable

Mine: Craney Mine

In a unanimous decision, the Fatality Review Committee has determined that the death of [REDACTED] should not be charged to the mining industry. [REDACTED] was traveling on a county road leased to the mine operator in a private vehicle and reportedly failed to heed a stop sign. The deceased was not a mine employee. Her passenger car was struck by a coal hauler operated by a contract truck driver. She suffered fatal injuries due to the accident. The truck driver who was uninjured failed a subsequent drug screening.

The Department of Labor Office of the Solicitor was asked to offer a legal opinion in this case. The opinion provided to the Fatality Review Committee indicated that this case did not fall under MSHA jurisdiction. The road in question was determined to be a public road.

The committee determined that this case should not be charged to the mining industry since the deceased was not a mine employee and the accident occurred on a public road, not under MSHA jurisdiction.

cc: Michael A. Davis