



FEB 01 2010

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

FROM: KENNETH A. BULLOCK *Kenneth A. Bullock*
Chief, Program Policy Evaluation Office

HEIDI W. STRASSLER *Heidi W. Strassler*
Deputy Associate Solicitor for Mine Safety and Health

JEFFREY A. DUNCAN
Director for Educational Policy and Development

LINDA F. ZEILER *Linda F. Zeiler*
Acting Director of Technical Support

NANCY M. SAHAKIAN, MD *Nancy Sahakian*
Senior Program Management Consultant, Clinical Operations,
Federal Occupational Health Service, United States Public
Health Service

SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: 2009-C-37 [REDACTED]

Deceased: [REDACTED]

Date of Incident: September 09, 2009

Date of Death: September 09, 2009

Operator : Speed Mining, LLC.

Mine: American Eagle 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 39 year old non-employee, was a passenger in a pickup truck traveling on a public access road along Speed Mining bonded property to get to and from a family cemetery. The driver lost control of the vehicle and [REDACTED] was fatally injured. The driver and another passenger received non-fatal injuries. Alcohol and speed were believed to be factors in the accident. The investigation found that the operator of the mine could not regulate or control the traffic on the public access road. It was confirmed that the deceased was neither an employee at the mine nor was he involved with mining related activity.

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

cc: Joseph A. Main
Gregory R. Wagner, M.D.
Michael A. Davis