

U.S. Department of Labor

Mine Safety and Health Administration  
1100 Wilson Boulevard  
Arlington, Virginia 22209-3939



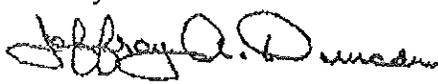
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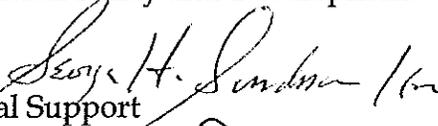
MEMORANDUM FOR KEVIN G. STRICKLIN  
Administrator for Coal  
Mine Safety and Health

FROM:

BRENT A. CARPENTER   
Chief, Office Program Policy Evaluation

HEIDI W. STRASSLER   
Associate Solicitor for Mine Safety and Health

JEFFREY A. DUNCAN   
Director for Educational Policy and Development

LINDA F. ZEILER   
Director of Technical Support

NANCY M. SAHAKIAN, M.D.   
Senior Program Management Consultant, Clinical Operations,

Federal Occupational Health Service, United States Public  
Health Service

SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: 2010-C-15-

Deceased: 

Date of Incident: May 04, 2010

Date of Death: May 04, 2010

Operator: Carson One Mining, LLC.

Mine: Adrian Refuse Area/Adrian  
Prep Plant

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 74 year old equipment company owner, was at the mine site to purchase an excavator. The mine superintendent gave the gate keys to the owner of the equipment and the deceased was invited to the property by the seller. He was therefore authorized to be there.

A mechanic employed by the deceased was operating a bulldozer to retrieve a disabled excavator using a chain when the weld of the eye hook on the bulldozer gave way and the hook hit [REDACTED] who was standing 20 feet away. The death certificate, which was based on an autopsy, indicated that the manner of death was accidental and that the death was due to cervical injuries secondary to missile impact.

The mine had been idle for approximately 5 weeks prior to the incident. There was no evidence that any mining activity was occurring at this mine at the time of the accident and no evidence was found that indicated that the equipment was being bought for mining related activities. At the time of the accident, the equipment was not used in or was to be used in coal preparation activities. Based on circumstances surrounding the accident, the committee members concluded that [REDACTED] death should not be charged to the mining industry.

cc: Joseph A. Main  
Gregory R. Wagner, M.D.  
Patricia W. Silvey