



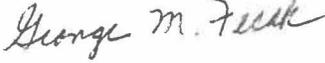
DEC 20 2012

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

FROM:

JEFFREY A. DUNCAN 
Committee Chair
Director for Educational Policy and Development

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Associate Solicitor for Mine Safety and Health

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BRENT A. CARPENTER 
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SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: 2010-C-44 

Deceased: 

Date of Incident: June 16, 2010

Date of Death: June 16, 2010

Operator: Greyeagle Coal Company

Mine: 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 20 year old trespasser, entered the mine property with five other individuals with the intention of swimming in the impoundment pond. Emergency crews were notified of a possible drowning and his body was located soon after.

The death certificate indicated that the death was accidental and was due to asphyxia due to fresh water drowning. The deceased and his friends entered the mine property without the permission of the mine operator. [REDACTED] had no association with the mine or mine operator.

The committee members determined that [REDACTED] was not performing mine related work activities nor was his death caused by mining activities or equipment. The committee concluded that his death should not be charged to the mining industry.

cc: Joseph A. Main
Stephen R. Weatherford
Patricia W. Silvey