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

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SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: 2011-C-26

Deceased:

Date of Incident: August 23, 2011

Date of Death: August 23, 2011

Operator: Manalapan Mining Co. Inc. Mine: RB #12 Mine

Decision: Not chargeable

In a unanimous decision, the Fatality Review Committee has determined that the death of _____ should not be charged to the mining industry. _____, a 38 year old trespasser, forced his way into the fenced area of an electrical substation of the mine apparently to remove copper for resale. It is believed that he was killed when he attempted to cut a live copper electrical cable (an energized ground cable). His body was found by his wife the following morning.

The autopsy report indicated that 80% of his body surface had thermal injuries due to electrocution. The manner of death was determined to be an accident due to body surface thermal injuries secondary to electrocution. There was appropriate signage in this area that read "Danger High Voltage". The MSHA investigation found that _____ was not employed by the mine operator and that he did not have permission to be on the property.

Based on the findings of the autopsy and the results of MSHA's investigation, it was determined that _____ death was accidental, that he did not have permission to be on the mine property and that he was not involved in mining activity. The committee members concluded that the death should not be charged to the mining industry.

cc: Joseph A. Main
Anthony C. Mayville