



AUG 01 2012

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

FROM:

BRENT A. CARPENTER *Brent Carpenter*
Chief, Office Program Policy Evaluation

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

JEFFREY A. DUNCAN *Jeffrey A. Duncan*
Director for Educational Policy and Development

GEORGE TRIEBSCH *George Triebusch*
Acting Director of Technical Support

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

SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: 2011-C-51

Deceased:

Date of Incident: November 26, 2011

Date of Death: November 26, 2011

Operator: Premium Coal Company,
Inc.

Mine: No.1 Surface-003 Section

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 56 year old trespasser, accessed the mine property on his ATV. He was later found with a gunshot wound to his head by three other males.

The death certificate indicated that the manner of death was suicide due to a gunshot wound to the head. The MSHA investigation found that _____ was not a mine employee or contractor and was not authorized to be on mine property. It was also determined that the deceased was not performing mining work and that his death was not caused by mining activity or equipment.

Based on the findings of the death certificate and the results of MSHA's investigation, the committee members concluded that the death of _____ should not be charged to the mining industry.

cc: Joseph A. Main
Anthony C. Mayville