



MAR 12 2008

MEMORANDUM FOR FELIX A. QUINTANA
Administrator for Metal and
Nonmetal Mine Safety and Health

FROM: GEORGE M. FESAK *George M. Fesak*
Director, Program Evaluation and Information Resources
Chairman, MSHA Fatality Review Committee

EDWARD P. CLAIR *Edward P. Clair*
Associate Solicitor for Mine Safety and Health
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Director, Educational Policy and Development
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for Director, Technical Support
Member, MSHA Fatality Review Committee

SUBJECT: Fatality Review Committee Decision on Chargeability

Deceased: [REDACTED]

Case No.: M-2007-40

Date of Incident: July 04, 2007

Date of Death: July 04, 2007

Operator: Yahara Materials, Inc.

Mine: Unit #9 Wash Plant

Decision: Not Chargeable

In a unanimous decision, the MSHA Fatality Review Committee has determined that the death of [REDACTED] should not be charged to the mining industry. The deceased, the son of the mine operator, was visiting the property after hours to watch 4th of July fireworks in a field above the quarry. He and five friends

were in a pickup truck which went over a 66-foot highwall. The property was fenced and posted, prohibiting entry. The Certificate of Death indicates that the manner of death was accidental. The committee members concluded that [REDACTED] death should not be charged to the mining industry because he was not involved in mining-related activity at the time of the incident.

cc: Richard E. Stickler
John Pallasch
Robert M. Friend