

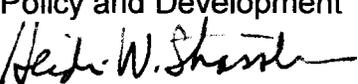


SEP 16 2014

MEMORANDUM FOR NEAL H. MERRIFIELD
Administrator for Metal and
Nonmetal Mine Safety and Health

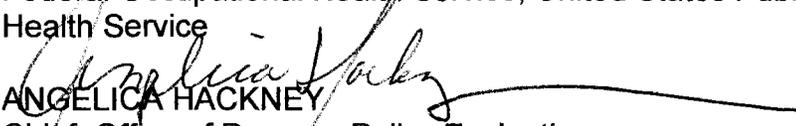
FROM:

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

HEIDI W. STRASSLER 
Associate Solicitor for Mine Safety and Health


GEORGE M. FESAK
Director of Technical Support

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

ANGELICA HACKNEY 
Chief, Office of Program Policy Evaluation

SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: 2013-M-18-

Deceased: 

Date of Incident: April 24, 2013

Date of Death: April 24, 2013

Operator: J L Sherman Excavation
Co.

Mine: J L Sherman Excavation Co.

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 50 year old truck driver, returned his truck to the stockpile area of the mine to be loaded. A loader operator found him unconscious on the ground near his truck. CPR was administered and he was later pronounced dead at a local hospital.

The autopsy report determination was that [REDACTED] died due to methamphetamine toxicity. The toxicology screen was positive for amphetamine, methamphetamine and cannabinoids. The MSHA investigation found no physical evidence that Mr. Chappell had received any injuries related to the mine or the mining process.

Based on the autopsy report and the MSHA investigation, the committee members concluded that the death of [REDACTED] was not caused by mining related activity or equipment and that his death should not be charged to the mining industry.

cc: Joseph A. Main
Patricia W. Silvey
Douglas L. Parker