

September 25, 2007

MEMORANDUM FOR KEVIN G. STRICKLIN

Administrator for Coal  
Mine Safety and Health

FROM: GEORGE M. FESAK  
Chairman, MSHA Fatality Review Committee

SUBJECT: Fatality Review Committee Decision on Chargeability

Deceased: [REDACTED] Case No.: C-2007-37

Date of accident: July 25, 2007 Date of death: July 25, 2007  
Mine: KAMC Strip Mine

Operating Co.: KAMC  
Decision: non-chargeable

In a unanimous decision the Fatality Review Committee has determined that the death of [REDACTED] should be non-chargeable to the mining industry. The deceased and three companions were riding All Terrain Vehicles on a mine haulroad when [REDACTED] vehicle overturned. The deceased was a trespasser on the mine property as he was not a mine employee. The coroner indicated the cause of death to be "Blunt Force Head Trauma". The committee determined that this case was non-chargeable since [REDACTED] was trespassing on the mine property and was clearly operating his ATV recreationally.

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