



MAR 12 2008

MEMORANDUM FOR KEVIN G. STRICKLIN
Administrator for Coal
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
Member, MSHA Fatality Review Committee

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for Director, Technical Support
Member, MSHA Fatality Review Committee

SUBJECT: Fatality Review Committee Decision on Chargeability

Deceased: [REDACTED]

Case No.: C-2007-46

Date of Incident: September 7, 2007

Date of Death: September 7, 2007

Operator: Independence Coal
Company

Mine: Liberty Processing

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. According to MSHA's investigation, the deceased was found in his vehicle along an overland

conveyor belt access road. Evidence indicated that he had been sawing a roll of road fiber but had not completed the task. MSHA's inspection of the area did not disclose stray electric currents or other environmental hazards. The autopsy report indicates that the manner of death was "Natural." Based on the Autopsy Report and the results of MSHA's investigation, the committee members concluded that [REDACTED] died from natural causes and his death should not be charged to the mining industry.

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