

U.S. Department of Labor

Mine Safety and Health Administration
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MEMORANDUM FOR KEVIN G. STRICKLIN
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SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: C-2008-26 [REDACTED]

Deceased: [REDACTED]

Date of Incident: 08/31/2008

Date of Death: 08/31/2008

Operator: E.P. Bender Coal Company Mine: EPB Strip

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. MSHA's investigation revealed that [REDACTED] was trespassing on mine property over a holiday weekend. He died due to accidental injuries incurred as the result of his being ejected off of his all-terrain vehicle. His blood alcohol level was 0.19%. The committee members concluded that [REDACTED] death should not be charged to the mining industry because he was trespassing on mine property at the time of the incident which caused his death.

cc: Richard E. Stickler
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Robert M. Friend