



JAN 25 2010

MEMORANDUM FOR KEVIN G. STRICKLIN
Administrator for Coal
Mine Safety and Health

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SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: 2009-C-48

Deceased: [REDACTED]

Date of Incident: March 19, 2009

Date of Death: Unknown

Operator: Reed Materials, Inc.

Mine: Town Creek Mine

Decision: Not Chargeable

In a unanimous decision, the Fatality Review Committee has determined that the death of [REDACTED] [REDACTED] should not be charged to the mining industry. According to MSHA's investigation, the deceased was found on a haulage road located on mine property. The haulage road was adjacent to a public road. The investigation did not disclose any electrical or environmental hazards. According to the County Sheriffs' investigators the deceased had been shot multiple times in the head and the death was being treated as a homicide. Based on the Sheriff's report and the results of MSHA's investigation, the committee members concluded that [REDACTED] died from gunshot wounds to the head, an apparent homicide, and his death should not be charged to the mining industry.

cc: Joseph A. Main
Gregory R. Wagner, M.D.
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