

U.S. Department of Labor

Mine Safety and Health Administration
1100 Wilson Boulevard
Arlington, Virginia 22209-3939



AUG 24 2011

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

FROM:

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SUBJECT: **Fatality Review Committee Decision on Chargeability**

Case No.: 2010-M-20

Deceased:

Date of Incident: May 29, 2010

Date of Death: May 29, 2010

Operator: United Taconite, LLC.

Mine: United-Mine

Decision: Not chargeable

In a unanimous decision, the Fatality Review Committee has determined that the death of _____ should not be charged to the mining industry. _____; a 34 year-old trespasser, was riding an ATV on mine property with four friends. As the deceased was climbing a hill, his ATV flipped over on top of him. The hill was located at an old mine dump area that had not been mined for a number of years.

He was carried by the other riders to a nearby county road and 911 was called. He died later at a local hospital. The death certificate found that the cause of death was "multiple traumatic injuries".

The committee members concluded that _____ was not a mine employee and was not engaged in mining related activity at the time of his death. The committee determined that the death should not be charged to the mining industry.

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