

**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:

DENNIS RAYMOND *Dennis Raymond*  
Acting Chief, Program Policy Evaluation Office

HEIDI W. STRASSLER *Heidi W. Strassler*  
Deputy Associate Solicitor for Mine Safety and Health

JEFFREY A. DUNCAN *Jeffrey A. Duncan*  
Director for Educational Policy and Development

LINDA F. ZEILER *Linda F. Zeiler*  
Acting Director of Technical Support

NANCY M. SAHAKIAN, M.D.  
Senior Program Management Consultant, Clinical Operations,  
Federal Occupational Health Service, United States Public  
Health Service *N. Sah*

SUBJECT: Fatality Review Committee Decision on Chargeability

**Case No.:** 2010-M-28 [REDACTED]

**Deceased:** [REDACTED]

**Date of Incident:** August 07, 2010

**Date of Death:** August 07, 2010

**Operator:** Shelly Materials, Inc.

**Mine:** Forest Quarry

**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. [REDACTED], a 68 year old trespasser, committed suicide on mine property. The deceased drove his vehicle on a mine road approximately three tenths of a mile and walked into a nearby wooded area where he shot himself in the head.

The autopsy identified a shotgun wound to the head entering from the chin and exiting from the back of the head as the cause of death. The death certificate indicated that the manner of death was suicide and that the cause of death was a gunshot wound to the head and neck.

Based on the findings of the death certificate and the autopsy report, the committee determined that [REDACTED] death was a suicide. Since the deceased was a trespasser and was not performing mine related activities, the committee concluded that his death should not be charged to the mining industry.

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