



JAN 27 2012

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

FROM:

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SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: 2011-C-13-[REDACTED]

Deceased: [REDACTED]

Date of Incident: February 2, 2011

Date of Death: February 2, 2011

Operator: Burnrite Coal Company

Mine: Burnrite 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. [REDACTED], a 34 year old trespasser, left his personal vehicle on the mine site, so he walked back to get it. Later that morning, his body was found. The mine operator indicated that he did not know [REDACTED] and that he was not authorized to be on the mine site. The property was in the temporarily idled status at the time of the incident.

The autopsy and death certificate indicated that the cause of death was undetermined. A scene investigation, a toxicology report, and a physical examination, found several potentially fatal conditions. Prolonged exposure to a cold environment, cardiac hypertrophy, and the ingestion of methylenedioxypropylamphetamine were noted; but none of these causes could be irrefutably be linked to the victim's death.

[REDACTED] was a trespasser on mine property and was not involved in mining related activity. The committee members concluded that his death should not be charged to the mining industry.

cc: Joseph A. Main
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