

U.S. Department of Labor

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



NOV 05 2012

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

FROM:

JEFFREY A. DUNCAN 
Committee Chair, Director for Educational
Policy and Development


HEIDI W. STRASSLER 
Associate Solicitor for Mine Safety and Health

for GEORGE TRIEBSCH 
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

BRENT A. CARPENTER 
Chief, Office Program Policy Evaluation

SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: 2011-C-49 

Deceased: 

Date of Incident: December 18, 2011

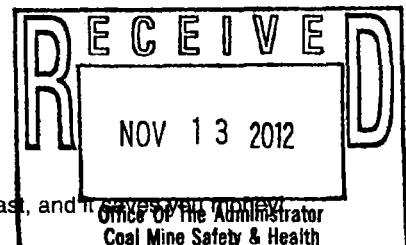
Date of Death: December 18, 2011

Operator: Appolo Fuels, Inc.

Mine: Tipple #3

Decision: Not chargeable

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Office of the Administrator
Coal Mine Safety & Health



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 78 year old trespasser, entered restricted mine property and traveled to a remote site adjacent to the mine refuse area. He was cutting down a tree for firewood when it fell, striking him on the back of the head. He was discovered by hunters while still alive but he died at a local hospital due to his injuries.

The death certificate indicated that the manner of death was accidental and was due to blunt force impact to the back of the head and a fractured skull. [REDACTED] did not have permission to be on the mine property and had no affiliation with the mine operator.

MSHA's investigation found that [REDACTED] was not performing mine related work nor was his death caused by mining activity or equipment. The members of the committee concluded that his death should not be charged to the mining industry.

cc: Joseph A. Main
Patricia W. Silvey