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

FROM: BRENT A. CARPENTER *Brent A. Carpenter*
Chief, Office Program Policy Evaluation

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

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

GEORGE TRIEBSCH *George Triebusch*
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 *Nancy Sahakian*

SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: 2011-M-47

Deceased:

Date of Incident: April 13, 2011

Date of Death: April 13, 2011

Operator: Granite Construction
Company

Mine: Bradshaw Pit

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 50 year old trespasser, was found by a mine foreman inside of a truck parked on the firebreak perimeter road at the pit. He was declared dead at the scene by the coroner.

The autopsy report and the death certificate both indicated that the death was due to a combined acute diphenhydramine and ethanol toxicity. It was determined that the death was due to suicide.

The MSHA investigation found that _____ was not a mine employee or contractor and was not authorized to be on mine property. The deceased was not performing mine-related work, nor was his death due to mining activity or equipment. The committee members concluded that the death of _____ should not be charged to the mining industry.

cc: Joseph A. Main
Anthony C. Mayville