

U.S. Department of Labor

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



NOV 05 2012

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

FROM:

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

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

for

GEORGE TRIEBSCH *G.M. Triebusch*
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Senior Program Management Consultant, Clinical Operations,
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BRENT A. CARPENTER *Brent A. Carpenter*
Chief, Office Program Policy Evaluation

SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: 2011-M-56 [REDACTED]

Deceased: [REDACTED]

Date of Incident: October 05, 2011

Date of Death: October 05, 2011

Operator: Lehigh Southwest Cement **Mine:** Lehigh Permanente 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 59 year old equipment operator, was attending a weekly morning safety meeting when another employee fired on him and eight others. [REDACTED] and two other employees were killed. The assailant fled the mine property in his personal vehicle and later committed suicide.

A death certificate has not been provided to MSHA at this time, but the manner of death was determined to be homicide caused by a gunshot wound. The committee members concluded that his death should not be charged to the mining industry.

cc: Joseph A. Main
Patricia W. Silvey