

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 
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
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BRENT A. CARPENTER 
Chief, Office Program Policy Evaluation

SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: 2011-M-57 

Deceased: 

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 48 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 was not provided to MSHA, 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