

U.S. Department of Labor

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



SEP 16 2014


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

FROM:

JEFFREY A. DUNCAN   
Committee Chair  
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ANGELICA HACKNEY   
Chief, Office of Program Policy Evaluation

SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: 2012-M-45 

Deceased: 

Date of Incident: June 17, 2012

Date of Death: June 17, 2012

Operator: Saehr Backhoe and  
Gravel Inc

Mine: Chieftan Power Screen

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 24 year old mine neighbor, was travelling through the mine property using a forklift to transport a scrap pickup truck when the forklift stopped running. The deceased and his brother then hooked up a tractor to complete the transport to his property. His home bordered the northwest corner of the pit. When they crested a hill, the forklift started rolling towards the tractor. His brother tried unsuccessfully to engage the brakes on the forklift. [REDACTED] became pinned between the scrap vehicle and the steering wheel of the tractor. He was declared dead at the scene.

The death certificate indicated that the manner of death was accidental and due to exsanguination (loss of blood) due to a lacerated liver from a motor vehicle accident. The toxicology screen for drugs and alcohol was negative.

The members of the committee determined that [REDACTED] was not performing mine related work activities and that his death was not caused by mine activities or equipment. They concluded that his death should not be charged to the mining industry.

cc: Joseph A. Main  
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Douglas L. Parker