

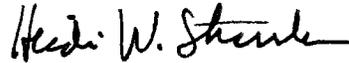


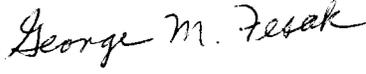
FEB 02 2015

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

GEORGE M. FESAK 
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Senior Program Management Consultant, Clinical Operations,
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SYED HAFEEZ 
Director, Program Evaluation and Information

SUBJECT: Chargeability Review Committee Decision

Case No.: 2014-M-17-

Deceased: 

Date of Incident: May 04, 2014

Date of Death: May 04, 2014

Operator: Mosaic Fertilizer, LLC.

Mine: Hookers Prairie Mine

Decision: Not chargeable

In a unanimous decision, the Chargeability Review Committee has determined that the death of [REDACTED] should not be charged to the mining industry. [REDACTED] age 40, was trespassing on mine property and drove his pick-up truck through the entrance gate to the mine impoundment. He and a passenger intended to go fishing at the impoundment pond. When spotted by mine personnel, he sped away and ended up driving through a two-foot berm and landed 60 feet below at the bottom of the impoundment. [REDACTED] was thrown from his truck and the pick-up rolled over and crushed him. His passenger was not injured.

The death certificate indicated that the manner of death was an accident and that the cause of death was positional asphyxia due to a motor vehicle crash. Acute ethanol intoxication was noted as a significant contributing condition. The MSHA investigation found that [REDACTED] was a trespasser and that he was not employed by the mine operator or contractor.

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

cc: Joseph A. Main
Patricia W. Silvey
Douglas L. Parker