

**U.S. Department of Labor**

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



MAR 27 2015

MEMORANDUM FOR NEAL H. MERRIFIELD

Administrator for Metal and  
Nonmetal Mine Safety and Health

FROM:

JEFFREY A. DUNCAN

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Committee Chair  
Director for Educational Policy and Development

HEIDI W. STRASSLER

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Associate Solicitor for Mine Safety and Health

WILLIAM J. FRANCAIT

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Acting Director of Technical Support

NANCY M. SAHAKIAN, M.D.

Handwritten signature of Nancy M. Sahakian, M.D. in black ink.

Senior Program Management Consultant, Clinical Operations,  
Federal Occupational Health Service, United States Public  
Health Service

SYED HAFEEZ

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Director, Program Evaluation and information

SUBJECT:

Chargeability Review Committee Decision

**Case No.:** 2014-M-41

██████████

**Deceased:**

██████████

**Date of Incident:** June 07, 2014

**Date of Death:** June 07, 2014

**Operator:** Martin Marietta Materials,  
Inc.

**Mine:** Fairborn Gravel

**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 56, was trespassing on mine property with a friend and while climbing a steep grade their ATV vehicle became stuck. While his friend was in the driver's seat, he jumped out to push the vehicle free and then jumped into the cargo area. The vehicle over-turned ejecting him. The roll-over protection bar pressed into his upper chest and neck. [REDACTED] was declared dead at the scene.

The autopsy report indicated that the death was due to a motor vehicle accident from an overturned vehicle which compressed the deceased's chest and neck resulting in blunt force injury to the chest. The toxicology report indicated his blood alcohol level was 0.184%. The MSHA investigation confirmed that [REDACTED] was not employed at the mine.

Based on the findings of the autopsy report and the MSHA investigation the committee members concluded that [REDACTED] did not die due to mine related activities or equipment and that his death should not be charged to the mining industry.

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