

U.S. Department of Labor

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



APP 15 2015

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

FROM:

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SUBJECT: Chargeability Review Committee Decision

Case No.: 2014-M-48-[REDACTED]

Deceased: Stephen B. [REDACTED]

Date of Incident: August 14, 2014

Date of Death: August 14, 2014

Operator: Rafferty Sand & Gravel, Inc.

Mine: Rafferty Sand & Gravel

Decision: Not chargeable

In a unanimous decision, the Chargeability Review Committee (CRC) determined the death of [REDACTED] should not be charged to the mining industry.

Mr. [REDACTED] a 57 year old truck driver, came to the mine on his day off to speak with a supervisor about parts for his haul truck. After this discussion, he headed home driving his personal all-terrain vehicle. Co-workers later spotted the ATV lying by the side of the mine access road; the vehicle had overturned on top of Mr. [REDACTED]. The ATV was lifted off the deceased and CPR was administered. The resuscitation efforts were unsuccessful and he was declared dead at the scene.

The death certificate stated the manner of death was accidental and the death was due to blunt force head trauma. The MSHA investigation concluded that Mr. [REDACTED] was not working for the mine at the time of the accident and his death couldn't be attributed to any mine-related activity.

Based on the findings of the investigation, the CRC members concluded Mr. [REDACTED] was not performing mine related work activities and his death was not caused by mining activities or equipment. Hence, Mr. [REDACTED] death should not be charged to the mining industry.

cc: Joseph A. Main
Patricia W. Silvey