

**U.S. Department of Labor**

Mine Safety and Health Administration  
201 12th Street South  
Arlington, Virginia 22202-5452



OCT 30 2015

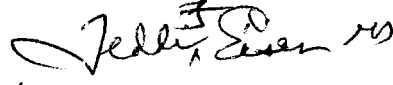
MEMORANDUM FOR NEAL H. MERRIFIELD  
Administrator for Metal and  
Nonmetal Mine Safety and Health

FROM:

JEFFREY A. DUNCAN   
Committee Chair  
Director for Educational Policy and Development

HEIDI W. STRASSLER   
Associate Solicitor for Mine Safety and Health

REGINALD J. RICHARDS   
Acting Director of Technical Support

TEDDI F. EISEN, M.D., FACOEM   
Reviewing Medical Officer, Contractor  
Federal Occupational Health  
Program Support Center  
U.S. Department of Health & Human Services

SYED HAFEEZ   
Director, Program Evaluation and Information

SUBJECT: Chargeability Review Committee Decision

Case No.: 2015-M-16-

Deceased: 

Date of Incident: March 25, 2015

Date of Death: March 26, 2015

Operator: Hi-Crush Whitehall, LLC.

Mine: Whitehall Plant

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.

Mr. [REDACTED], the 14-year old grandson of the mine manager, was given permission by his grandfather to ride his ATV on mine property. When he failed to return home a search was undertaken, and his body was found lying in a small creek, pinned under the ATV.

The certificate of death lists the manner of death as an accident with the immediate cause as positional asphyxia. The MSHA investigation found that the accident, while on mine property, was away from any mining activity.

Based on these findings, the Committee concludes that Mr. [REDACTED] was not performing work related activities at the time of the incident and that his death should not be charged to the mining industry.

cc: Joseph A. Main  
Patricia W. Silvey  
Laura V. McClintock