



SEP 23 2016

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

SUBJECT: Chargeability Review Committee Decision

**Case No.:** 2016-M-10-

**Deceased:** 

**Date of Incident:** May 28, 2016

**Date of Death:** May 28, 2016




**Operator:** Thomas Rathbone Logging

**Mine:** Rathbone Mine


**Autopsy Conducted:** Results not available

**Death Certificate Released:** Results not available

**Decision:** Not chargeable

I have reviewed the investigative report in the death of  and determined it should not be charged to the mining industry. , a 14 year old trespasser, and another teenager entered the pit to wade in the water. The two young men were in shallow water when they reached one point where the surviving teen indicated that it felt like the side of the ridge fell off. The two teenagers went underwater and  didn't come back up.

The deceased was later found by a paramedic in approximately seven feet of water. The medical examiner's report indicates the cause of death was drowning.

Based on the medical examiner's report and MSHA's investigation, I have determined that the death of  was not due to mine related work activities and should not be charged to the mining industry.

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