

U.S. Department of Labor

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

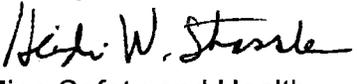


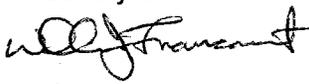
FEB 13 2015

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

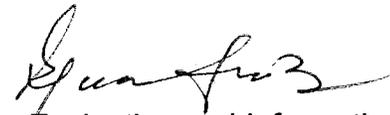
FROM:

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

HEIDI W. STRASSLER 
Associate Solicitor for Mine Safety and Health

WILLIAM J. FRANCA 
Acting Director of Technical Support

NANCY M. SAHAKIAN, M.D. 
Senior Program Management Consultant, Clinical Operations,
Federal Occupational Health Service, United States Public
Health Service

SYED HAFEEZ 
Director, Program Evaluation and Information

SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: 2013-M-55 

Deceased: 
Reyes

Date of Incident: June 13, 2013

Date of Death: June 13, 2013

Operator: Rock-It Natural Stone, Inc. Mine: Stigler South #1, #2 & #4

Decision: Not chargeable

In a unanimous decision, the Chargeability Review Committee has determined that the death of ██████████ should not be charged to the mining industry. ██████████ a 30 year old leadman, worked his shift as a skid-steer loader. He and two co-workers remained at the mine site after their shifts were over. Witnesses indicated that ██████████ was shot in the head as he attempted to prevent one miner from shooting another miner. He was pronounced dead at the scene.

The death certificate and autopsy report both indicated that the manner of death was homicide and the cause of death was a gunshot wound to the head. The toxicology screen was negative except for a blood alcohol level of 0.12%.

Based on the findings of the death certificate, the autopsy report and the MSHA investigation the committee members concluded that ██████████ was not performing mine related work activities nor was his death caused by mining activities or equipment. The committee determined that his death should not be charged to the mining industry.

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