



MAR 12 2008

MEMORANDUM FOR KEVIN G. STRICKLIN  
Administrator for Coal  
Mine Safety and Health

FROM: GEORGE M. FESAK *George M. Fesak*  
Director, Program Evaluation and Information Resources  
Chairman, MSHA Fatality Review Committee

EDWARD P. CLAIR *Edward P. Clair*  
Associate Solicitor for Mine Safety and Health  
Member, MSHA Fatality Review Committee

JEFFREY A. DUNCAN *Jeffrey A. Duncan*  
Director, Educational Policy and Development  
Member, MSHA Fatality Review Committee

MARK E. SKILES *Mark E. Skiles*  
*for* Director, Technical Support  
Member, MSHA Fatality Review Committee

Deceased: [REDACTED]

Case No.: C-2007-48

Date of Incident: October 15, 2007

Date of Death: October 15, 2007

Operator: Orchard Coal Company

Mine: Orchard Slope

Decision: Not Chargeable

In a unanimous decision, the MSHA Fatality Review Committee has determined that the death of [REDACTED] should not be charged to the mining industry. MSHA's investigation revealed that the deceased, the mine owner and operator, was

found on the floor of the change room by the mine foreman. His left boot was off and a shot gun was found underneath him. The Pennsylvania Coroner's Certificate of Death lists the manner of death as "Suicide." Based on the Certificate of Death and the results of MSHA's investigation, the committee members concluded that the cause of [REDACTED] death was suicide and that his death should not be charged to the mining industry.

cc: Richard E. Stickler  
John Pallasch  
Robert M. Friend