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

FROM:
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SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: C-2008-26[redacted] Deceased: [redacted]
Date of Incident: 08/31/2008 Date of Death: 08/31/2008
Operator: E.P. Bender Coal Company Mine: EPB Strip
Decision: Not Chargeable

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In a unanimous decision, the Fatality Review Committee has determined that the death of [redacted] should not be charged to the mining industry. MSHA’s investigation revealed that [redacted] was trespassing on mine property over a holiday weekend. He died due to accidental injuries incurred as the result of his being ejected off of his all-terrain vehicle. His blood alcohol level was 0.19%. The committee members concluded that [redacted] death should not be charged to the mining industry because he was trespassing on mine property at the time of the incident which caused his death.

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