



DEC 08 2008

MEMORANDUM FOR FELIX A. QUINTANA
Administrator for Metal and
Nonmetal Mine Safety and Health

FROM:

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SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: M-2008-33 [REDACTED]

Deceased: [REDACTED]

Date of Incident: On or about
08/23/2008

Date of Death: On or about
08/23/2008

Operator: Cherenzia Excavation Inc. Mine: Yard Two

Decision: Not Chargeable

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] body was discovered hanging from a tree on September 11, 2008, by a mine employee who had traveled to a remote area of Yard Two. [REDACTED] was not a mine employee and was not authorized to be on mine property. He was last seen on August 23, 2008, with a dark colored rope tied into a noose. The Certificate of Death lists the manner of death as suicide and the cause of death as asphyxia due to hanging. An autopsy was not performed.

Based on the Certificate of Death and the results of MSHA's investigation, the committee members concluded that [REDACTED] died as a result of suicide and his death should not be charged to the mining industry.

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