

U.S. Department of Labor

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



MAY 11 2010

MEMORANDUM FOR NEAL H. MERRIFIELD

Acting Administrator for Metal and
Nonmetal Mine Safety and Health

FROM:

KENNETH A. BULLOCK *Kenneth A. Bullock*
Chief, Program Policy Evaluation Office

HEIDI W. STRASSLER *Heidi W. Strassler*
Deputy Associate Solicitor for Mine Safety and Health

JEFFREY A. DUNCAN *Jeffrey A. Duncan*
Director for Educational Policy and Development

LINDA F. ZEILER *Linda F. Zeiler*
Acting Director of Technical Support

NANCY M. SAHAKIAN, MD
Senior Program Management Consultant, Clinical Operations,
Federal Occupational Health Service, United States Public
Health Service *Nancy Sahakian*

SUBJECT:

Fatality Review Committee Decision on Chargeability

Case No.: 2009-M-53- [REDACTED]

Deceased: [REDACTED]

Date of Incident: October 31, 2009

Date of Death: October 31, 2009

Operator: Burroughs Materials
Corporation

Mine: Holly Sand and Gravel

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. According to MSHA's investigation, the deceased parked her car at the entrance to the locked gate of the closed mine property. She was not associated with the mine operation and trespassed on the property. She had a history of depression and suicide attempts. She had been reported missing and the GPS locator on her cell phone led to the discovery of her vehicle. She was found at the bottom of a hill near her car. She apparently was the victim of a self inflicted gunshot wound. A suicide letter was found in her vehicle. Both the certificate of death and autopsy report concluded that [REDACTED] died as a result of a self-inflicted gunshot wound and that the manner of death was suicide.

The committee members determined that she was not authorized to be on the mine property and was not engaged in mining activity. Based on the autopsy report and the certificate of death, the committee members concluded that the cause of death was suicide and that her death should not be charged to the mining industry.

cc: Joseph A. Main
Gregory R. Wagner, M.D.
Michael A. Davis