



SEP 16 2014


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

FROM:

JEFFREY A. DUNCAN 
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ANGELICA HACKNEY 
Chief, Office of Program Policy Evaluation

SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: 2013-C-20-

Deceased: 

Date of Incident: July 06, 2013

Date of Death: July 06, 2013

Operator: Pocahontas Coal
Company

Mine: Pocahontas Highwall Mine

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. [REDACTED], a 39 year old trespasser, was driving a pick-up truck on a mine access road when he lost control of the vehicle and drove over a 40 foot highwall embankment. The vehicle landed on its top. [REDACTED] was killed in the accident and a passenger suffered minor injuries.

The death certificate indicated that the manner of death was accidental and that the immediate cause of death was multiple injuries suffered as a result of a motor vehicle crash. An autopsy was not performed. The MSHA investigation determined that [REDACTED] was not an employee of the mine nor was he a contractor for the mine operator. It was found that he was trespassing and did not have permission from the mine operator to be on the mine property.

Based on the findings of the death certificate and the MSHA investigation, the committee members concluded that [REDACTED] was a trespasser on mine property and that his death should not be charged to the mining industry.

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