

U.S. Department of Labor

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



JUL 09 2014

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.: 2013-C-08- [REDACTED]

Deceased: [REDACTED]

Date of Incident: April 01, 2013

Date of Death: April 01, 2013

Operator: Banner Blue Coal
Company

Mine: Integrity 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. Mr. [REDACTED] a 32 year old trespasser, entered a high voltage substation by cutting through a fence enclosure. He was found with cable cutters in hand. He apparently came into contact with at least one phase of 12,470 volts VAC. He was pronounced dead at the scene.

The death certificate indicated that the manner of death was accidental and that the cause of death was high voltage electrocution. The MSHA investigation found that Mr. [REDACTED] was not authorized to be at the site and was not employed by the mine operator. The evidence suggested that he was at the substation attempting to steal copper.

The members of the committee determined that the deceased was trespassing on mine property and that he was not performing mine related work activity at the time of his death. The committee concluded that the death of Mr. [REDACTED] should not be charged to the mining industry.

cc: Joseph A. Main
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