

U.S. Department of Labor

Mine Safety and Health Administration
201 12th Street South
Arlington, Virginia 22202-5452



APR 18 2017

MEMORANDUM FOR: TIMOTHY WATKINS

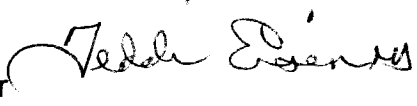
Deputy Administrator for
Coal Mine Safety and Health

FROM:

JEFFREY A. DUNCAN 
Committee Chair
Director for Educational Policy and Development


APRIL E. NELSON 
Associate Solicitor for Mine Safety and Health

THOMAS CHARBONEAU 
Director of Assessments

TEDDI F. EISEN, M.D., FACOEM 
Reviewing Medical Officer, Contractor
Federal Occupational Health
Program Support Center
U.S. Department of Health & Human Services

SYED HAFEEZ 
Director, Program Evaluation and Information Resources

SUBJECT: Chargeability Review Committee Decision

Case No. 2016-C-26-

Deceased: 

Date of Incident: September 23,
2016

Date of Death: September 23, 2016

Operator: Marfork Coal Company,
LLC

Mine: Slip Ridge Cedar Grove Mine
MSHA ID 46-09048

Autopsy Conducted: Yes

Death Certificate Certified:
September 23, 2016

Decision: Not chargeable

This case is reconsideration of a death that was initially determined to be chargeable to the mining industry in 2016.

In a unanimous decision, the Chargeability Review Committee has determined that the death of [REDACTED] should not be charged to the mining industry. [REDACTED], a 46-year-old shuttle car operator, was fatally injured when a personally owned vehicle in which he was a passenger was involved in an accident on the mine's access road. The accident occurred after [REDACTED] and the driver of the vehicle, also a mine employee, had concluded their shift, changed clothes, and exited the mine's parking lot. Driving in the direction of the public highway, the driver lost control of the vehicle after the brakes malfunctioned. The vehicle gained speed as it continued down the approximate 9% grade of the roadway until it struck the road berm and rolled over. According to a statement from the driver, the vehicle was traveling in excess of 50 mph at the time it impacted the berm. The posted speed limit for the road was 21 mph. Both the MSHA and the Sheriff's Office investigations found that the braking system of the vehicle was defective. The MSHA investigation also found that [REDACTED] was not wearing his seatbelt when he was partially ejected from the vehicle. The MSHA investigation did not find hazards or violations associated with the condition or maintenance of the access road.

The death certificate lists the manner of death as accidental. The immediate cause of death is listed as multiple blunt force trauma, including subdural and epidural hemorrhages. A single motor vehicle accident is listed as the underlying cause of death. An autopsy was performed but the report was not provided.

Based on these findings, the Committee members concluded that [REDACTED] died an accidental death unrelated to mine related work activities, mining activities, or mining equipment, and that his death should not be charged to the mining industry.

cc: Patricia W. Silvey
Kevin G. Stricklin
Sheila A. McConnell
Marcus A. Smith