



AUG 09 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

SUBJECT: Chargeability Review Decision

Case No.: 2017-C-23 [REDACTED]

Deceased: [REDACTED]

Date of Incident: May 18, 2017

Date of Death: Unknown

Operator: Western Energy Company

Mine: Rosebud Mine &
Crusher/Conveyor
MSHA ID 24-01747

Contractor: N/A

Autopsy Conducted: Yes

Death Certificate: Not provided

**Autopsy Results Received
by MSHA:** July 13, 2017

Decision: Not Chargeable

I reviewed the investigative report in the death of [REDACTED] and determined it should not be charged to the mining industry. MSHA's investigation determined that [REDACTED], age 58, was not a miner and was trespassing on mine property. His body was discovered by miners in a mine pond on May 18, 2017.

According to the autopsy report of the Forensic Science Division of the Montana Department of Justice, [REDACTED] was last known alive approximately one month prior to the discovery of his body. The autopsy report states that it could not be determined whether death was due to drowning or acute methamphetamine intoxication. Therefore, the cause and manner of death were classified as undetermined.

Based on the autopsy and MSHA's investigation, I determined that the death of [REDACTED] was not due to mine related work activities and should not be charged to the mining industry.

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