

MEMORANDUM FOR FELIX A. QUINTANA

Administrator for Metal and Nonmetal  
Mine Safety and Health

FROM: GEORGE M. FESAK *George M. Fesak*  
Chairman, MSHA's Fatality Review Committee

SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: M-2007-20

Date of accident: February 11, 2007  
Mine: Valentine Mine

Date of death: February 11, 2007

Operating Co.: Able Earth Extraction, Inc.  
Decision: Non-chargeable

In a unanimous decision the Fatality Review Committee has determined that the death of the decedent should be non-chargeable to the mining industry. The deceased, who was not a mine employee, apparently trespassed onto the property. After failing to return from a four wheel drive trip a search found his vehicle ¼ mile from the mine property and his body was located on the mine site 49 ft below where it appears he may have slipped. The sheriff's report also concluded that the decedent was carrying burglary tools. This fact offers some explanation for his presence on the property.

cc: Richard E. Stickler  
John Pallasch  
Robert M. Friend