

MEMORANDUM FOR FELIX A. QUINTANA
Administrator for Metal Nonmetal
Mine Safety and Health

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

SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: M-2007-26

Date of accident: March 25, 2007
Mine: Avila Quarry

Date of death: March 25, 2007

Operating Co.: Avila Mine
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 committee members felt that the circumstances of the death were clearly not related to mine work activity although the death occurred on mine property and the deceased was a mine employee. The decedent lived in a mobile home on the property which had no running water, gas or electricity. On a non-scheduled work day he was apparently drinking alcohol and smoking while in bed. The structure was totally destroyed by fire. The cause of death was smoke inhalation and total body charring.

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