



JUN 20 2008

MEMORANDUM FOR KEVIN G. STRICKLIN
Administrator for Coal
Mine Safety and Health

FROM: GEORGE M. FESAK *G.M. Fesak*
Director, Program Evaluation
and Information Resources

ALFRED B. BROOKS *Alfred Brooks*
Medical Director, Office of Workers Compensation Programs

EDWARD P. CLAIR *Edward P. Clair*
Associate Solicitor for Mine Safety and Health

JEFFREY A. DUNCAN *Jeffrey A. Duncan*
Director for Educational Policy and Development

MARK E. SKILES *Mark E. Skiles*
Director of Technical Support

SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: C-2007-65 [REDACTED]

Deceased: [REDACTED]

Date of Incident: November 29, 2007

Date of Death: November 30, 2007

Operator: Wyodak Resources
Development Company

Mine: Wyodak 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. MSHA's

investigation disclosed that [REDACTED] drove his vehicle off Interstate I-90 for a distance of 0.75 - 1.5 miles before rolling it into an inactive pit. [REDACTED] was not a mine employee and was not authorized to be on mine property. Based on the results of MSHA's investigation, the committee members concluded that [REDACTED] death should not be charged to the mining industry because he was not authorized to be on mine property and he was not performing mining-related activities at the time of the incident that resulted in his death.

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