

November 6, 2008

INFORMATION

MEMORANDUM FOR NANCY M. SAHAKIAN (FOH)

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FROM: RICHARD E. STICKLER 
Acting Assistant Secretary for
Mine Safety and Health

SUBJECT: Process for Determining Chargeability of
Fatal Accidents

The purpose of this memorandum is to revise the membership of the Fatality Review Committee and to make a slight change to the Fatal Injury Guideline Matrix. Dr. Nancy M. Sahakian of the United States Public Health Service has replaced Dr. Alfred Brooks on the Committee. Dr. Sahakian will serve as a full voting member of the committee and will deliberate with the committee on all cases. As a result, the Fatality Review Committee has the following members:

- a. Director or Deputy Director of PEIR (Committee Chair)
- b. Director or Deputy Director of Technical Support
- c. Director or Deputy Director of Educational Policy and Development
- d. Associate or Deputy Associate Solicitor for MSHA
- e. Senior Program Management Consultant, Clinical Operations, Federal Occupational Health Service, United States Public Health Service

Question 3 of the Fatal Injury Guideline Matrix has also been revised to the following: "Was death due to homicide, suicide, or drug overdose?" This change is necessary to address cases where death was directly caused by an overdose of drug(s). The revised Fatal Injury Guideline Matrix (copy attached) will be applied when determining whether a death should be charged to the mining industry.

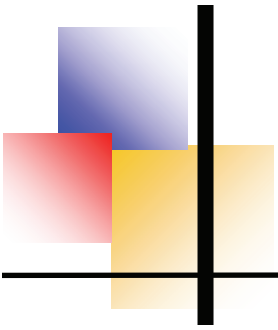
As in the past, the District Manager is initially responsible for determining whether a death is to be counted as a reportable death in MSHA's official statistics. All decisions by the District Manager are to be reviewed by the Administrator.

When the evidence documented does not conclusively show that the death is chargeable, the Administrator will request that MSHA's Fatality Review Committee provide their review and decision.

The decision made by the Fatality Review Committee should be unanimous and will be final. The decision of the Committee will be provided to the Assistant Secretary, Deputy Assistant Secretaries, and the appropriate Administrator.

Thank you for your participation.

Attachment



Fatal Injury Guideline Matrix

