

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-2007-18

Date of accident: April 30, 2007

Date of death: April 30, 2007

Mine: Kinsella Quarry and Mill

Operating Co.: T H Kinsella Incorporated

Decision: Not Chargeable

In a unanimous decision the Fatality Review Committee has determined that the death of the decedent was not chargeable to the mining industry. The decedent, driving an SUV, trespassed onto the mine property, drove down a 43-foot embankment and over a 31-foot vertical highwall. A passenger in the vehicle was also killed in the incident. Neither of the victims was employed by the mine operator or by a contractor at the site.

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