

MEMORANDUM FOR KEVIN G. STRICKLIN  
Administrator for Coal  
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.: C-2007-30

Date of accident: May 10, 2007

Date of death: May 10, 2007

Mine: Mine No. 4

Operating Co.: Jim Walter Resources

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, a 55 year old longwall foreman, had walked a short distance from his work place to a man bus and experienced shortness of breath. He was transported to the hospital but died en-route. The certificate of death indicated the immediate cause of his death to be "Cardiopulmonary Arrest". He was apparently under the care of cardiologist due to a history of heart problems. No electrical sources were found at the scene and no carbon monoxide was detected in the area. The section had been idle for repairs that day and signs that the deceased had overexerted himself were not found. The committee members considered all these factors significant in making their decision.

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