

MEMORANDUM FOR KEVIN STRICKLIN
Administrator for Coal
Mine Safety and Health

FROM: GEORGE M. FESAK *George M. Fesak*
Director, Program Evaluation and Information Resources
Chairman, MSHA Fatality Review Committee

SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: C-2007-36
Date of incident: June 4, 2007 Date of death: June 11, 2007
Mine: HM No.1 Hignite Mine

Operating Co.: Appolo Fuels Inc.
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 determined that the decedent, a 61 year mine operator employee, was performing his normal work activities on the mine site. Although an autopsy was not performed, the evidence offered by witnesses and confirmed through the details provided by a death certificate indicated that the decedent suffered an "Ischemic Right Middle Cerebral Cerebrovascular Accident". The death certificate stated also that the underlying cause of the death was "Essential Hypertension". The committee and the death certificate concluded that the decedent died of natural causes.

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