



JUN 18 2008

MEMORANDUM FOR FELIX A. QUINTANA

Administrator for Metal and
Nonmetal Mine Safety and Health

FROM:

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

ALFRED B. BROOKS *Alfred B Brooks MS*
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.: M-2007-63 [REDACTED]

Deceased: [REDACTED]

Date of Incident: November 13, 2007

Date of Death: November 13, 2007

Operator: Mountain Materials

Mine: Mouth of Wilson Plant

Contractor: Barnett Contractors

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 accident investigation revealed that [REDACTED] was an employee of Barnett Contractors and was

at the mine to repair a machine in the shop and to look at another machine for purchase as scrap. [REDACTED] and another Barnett employee traveled to the scrap yard to look at equipment. [REDACTED] remained in the pickup truck while the other employee inspected the batteries in an old haulage truck. When the other employee returned, he found [REDACTED] lying in a shallow drainage ditch near the truck.

The Certificate of Death lists the cause of [REDACTED] death as "Atherosclerotic Cardiovascular Disease" and the manner of death as "Natural." The Autopsy Report lists the cause of death as "Atherosclerotic Cardiovascular Disease." MSHA's investigation did not identify any environmental factors at the site that could have contributed to [REDACTED] death. Based on the Autopsy Report and the results of MSHA's investigation, the committee members concluded that [REDACTED] died from natural causes and his death should not be charged to the mining industry.

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