



MAY 11 2010

MEMORANDUM FOR KEVIN G. STRICKLIN
Administrator for Coal
Mine Safety and Health

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SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: 2009-C-49-[REDACTED]

Deceased: [REDACTED]

Date of Incident: October 8, 2009

Date of Death: October 8, 2009

Operator: Jim Walter Resources, Inc.

Mine: No. 7 Mine

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. The deceased was performing the duties assigned to a section foreman. A nearby co-worker saw him fall face down to the mine floor. CPR was performed at the mine site but [REDACTED] was later declared dead by the county medical examiner.

The MSHA investigation found no physical or environmental factors that could have contributed to this death and no signs of over-exertion were noted. The certificate of death indicated that [REDACTED] died as a result of coronary artery atherosclerosis with hypertension listed as a secondary factor.

Based on the death certificate and the results of MSHA's investigation, the committee members concluded that [REDACTED] died from natural causes and that his death should not be charged to the mining industry.

cc: Joseph A. Main
Gregory R. Wagner, M.D.
Michael A. Davis