

U.S. Department of Labor

Mine Safety and Health Administration
1100 Wilson Boulevard
Arlington, Virginia 22209-3939



MAR 28 2011

MEMORANDUM FOR NEAL H. MERRIFIELD
Administrator for Metal and
Nonmetal Mine Safety and Health

FROM:

DENNIS RAYMOND *Dennis Raymond*
Acting Chief, Program Policy Evaluation Office

HEIDI W. STRASSLER *Heidi Strassler*
Associate Solicitor for Mine Safety and Health

JEFFREY A. DUNCAN *Jeffrey A. Duncan*
Director for Educational Policy and Development

LINDA F. ZEILER *Linda F. Zeiler*
Acting Director of Technical Support

NANCY M. SAHAKIAN, M.D.
Senior Program Management Consultant, Clinical Operations,
Federal Occupational Health Service, United States Public
Health Service *Nancy Sahakian*

SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: 2009-M-71 [REDACTED]

Deceased: [REDACTED]

Date of Incident: December 10,
2009

Date of Death: December 10, 2009

Operator: TXI Operations LP

Mine: Jena Aggregates Plant

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. [REDACTED] was operating a front-end loader when he failed to answer his radio. He was unresponsive in the cab with the loader in reverse and his foot on the brake when co-workers went to check on him. The loader was found to be in good condition and was being operated on level ground. The deceased was not performing any unusual duties during his shift.

[REDACTED] had missed work the previous day due to illness and was taking medication for hypertension and elevated cholesterol. The autopsy report found that the cause of death was a ruptured thoracic aneurysm. The death certificate indicated that the manner of death was natural and was due to a ruptured aortic aneurysm due to arteriosclerotic vascular disease.

Based on the certificate of death, the autopsy report and the MSHA investigation, the committee members concluded that [REDACTED] died as a result of natural causes and that his death should not be charged to the mining industry.

cc: Joseph A. Main
Gregory R. Wagner, M.D.
Patricia W. Silvey