

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:

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SUBJECT:

Fatality Review Committee Decision on Chargeability

Case No.: 2010-M-10 [REDACTED]

Deceased: [REDACTED]

Date of Incident: March 03, 2010

Date of Death: March 03, 2010

Operator: Irving Materials, Inc.

Mine: IMI/Greenwood Sand & Gravel

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], the husband of the mine scale person, entered the mine after hours to obtain sand to patch his driveway. [REDACTED] received a key from his wife to enter the mine. Company officials indicated that [REDACTED] did not have permission to be on the property and was a trespasser. When he did not return home, his wife went to the mine site and discovered his truck driven into a sand stockpile. He was slumped over the steering wheel. The MSHA investigation determined that [REDACTED] was not a mine employee and had not operated any mine equipment.

Both the death certificate and the autopsy report indicated the cause of death to be cardiovascular disease. The toxicology screen was negative. The death certificate indicated the manner of death was natural. An evaluation of the circumstances surrounding the death of [REDACTED] found that the vehicle accident was not a factor in his death.

Based on the death certificate, 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.  
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