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

FROM:

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Committee Chair
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for GEORGE TRIEBSCH *George M. Triebusch*
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BRENT A. CARPENTER *Brent A. Carpenter*
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SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: 2011-C-61 [REDACTED]

Deceased: [REDACTED]

Date of Incident: October 22, 2011

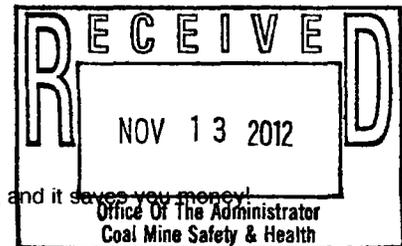
Date of Death: October 22, 2011

Operator: New Elk Coal Company,
LLC.

Mine: New Elk Prep Plant

Contractor: Western Industrial
Contractors

Decision: Not chargeable



In a unanimous decision, the Fatality Review Committee has determined that the death of ██████████ should not be charged to the mining industry. ██████████ a 39 year old contract iron worker, was observed without a hardhat on. When confronted about it he appeared confused. ██████████ was found slumped over in a portable toilet several hours later. He was unresponsive. Emergency response personnel arrived and summoned a coroner. He was transported to the hospital where he was pronounced dead at the scene.

The certificate of death listed the manner and the cause of death as undetermined. Seizures were indicated as a significant condition contributing to the death. The autopsy report stated that bite marks were present on the victim's tongue consistent with seizure activity. The toxicology screen was negative. ██████████ was found to have had a history of seizures. An MSHA investigation did not identify any physical or environmental hazards that could have contributed to the death.

Based on the findings of the death certificate and autopsy report as well as the results of the MSHA investigation the committee members concluded that ██████████ died from natural causes and that his death should not be charged to the mining industry.

cc: Joseph A. Main
Patricia W. Silvey