



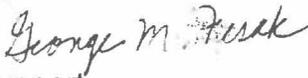
DEC 20 2012

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

FROM:

JEFFREY A. DUNCAN 
Committee Chair
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Associate Solicitor for Mine Safety and Health

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BRENT A. CARPENTER 
Chief, Office Program Policy Evaluation

SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: 2012-C-06 

Deceased: 

Date of Incident: April 05, 2012

Date of Death: April 05, 2012

Operator: McElroy Coal Company

Mine: McElroy 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. [REDACTED], a 36 year old miner, drove his personal vehicle through the mine site security gate on his way to work. His car struck the right side guard rail some 100 yards past the gate. He was discovered by co-workers.

The death certificate and autopsy report both indicated that the manner of death was natural and that the cause of death was severe atherosclerotic coronary artery disease. An MSHA inspection did not identify any environmental or physical hazards that may have contributed to his death.

Based on the findings of the death certificate, the autopsy report and the MSHA's investigation, the committee members concluded that the death of [REDACTED] should not be charged to the mining industry.

cc: Joseph A. Main
Stephen R. Weatherford
Patricia W. Silvey