

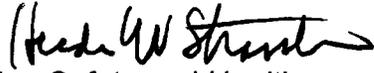


JAN 09 2013

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

FROM:

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SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: 2011-C-67-

Deceased: 

Date of Incident: October 27, 2011

Date of Death: October 27, 2011

Operator: Powder River Mining, LLC.

Mine: North Antelope Rochelle 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 76 year old retired employee, returned to the mine as a customer to purchase lump coal for his personal use. He drove to the public coal loading area, where he lifted lumps of coal and placed them in the back of his pickup truck. While sitting in his vehicle, waiting at the mine gate to be checked out by the guard, he slumped over and became unresponsive. The guard noticed he was having trouble breathing and called for emergency response personnel. CPR was begun and he was transported to a local hospital where he was declared dead on arrival.

The coroner's report indicated that the immediate cause of death was a fatal pulmonary embolism and that the manner of death was natural. The report noted a known heart condition. An autopsy was not performed. MSHA's investigation did not identify any environmental conditions that could have contributed to the death.

Based on the findings of the coroner's report 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
Stephen R. Weatherford
Patricia W. Silvey