

U.S. Department of Labor

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



MAY 21 2008

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

FROM:

GEORGE M. FESAK *G. M. Fesak*
Director, Program Evaluation
and Information Resources

ALFRED B. BROOKS *Alfred B. Brooks*
Medical Director, Office of Workers Compensation Programs

EDWARD P. CLAIR *Edward P. Clair*
Associate Solicitor for Mine Safety and Health

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

MARK E. SKILES *Mark E. Skiles*
Director of Technical Support

SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: C-2007-64 [REDACTED]

Deceased: [REDACTED]

Date of Incident: August 29, 2007

Date of Death: August 29, 2007

Operator: Decker Coal Company

Mine: Decker 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. MSHA's investigation disclosed that [REDACTED] was a Decker Coal Company employee who was

found unresponsive in the driver's seat of a parked flat-bed utility truck. Tests for Carbon Monoxide in the decedent's vehicle were negative and the truck was found to be in good condition with no defects affecting safety. The Death Certificate indicates the cause of death was "Acute Myocardial Infarction" and the manner of death was "Natural." Based on the Death Certificate and the results of MSHA's investigation, the committee members concluded that [REDACTED] died from natural causes and his death should not be charged to the mining industry.

cc: Richard E. Stickler
John Pallasch
Robert M. Friend

bcc: MSHA File Copy, Rm 2171, Code PRT 50
V.Stewart.lj:05/02/2008:email/assignment