



JUN 23 2008

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.: C-2007-68 [REDACTED]

Deceased: [REDACTED]

Date of Incident: August 16, 2007

Date of Death: August 16, 2007

Operator: BHP Mining Company

Mine: San Juan 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. According to MSHA's investigation, [REDACTED] was employed at the San Juan Mine. He was sent home by his supervisor on the August 12, 2007, nightshift because the supervisor became

concerned for his health. [REDACTED] was not permitted to work on August 13 until he was examined by a physician. The company physician restricted him to light duty, but light duty work was not available at the mine. [REDACTED] did not return to work and died at home on August 16, 2007.

The autopsy report states that [REDACTED] died of diabetic ketoacidosis occurring in the context of methamphetamine intoxication. The report also states that the manner of death was accident, noting that: "This drug (methamphetamine) would have induced a stress response in the decedent that would have greatly exacerbated hyperglycemia and increased the likelihood of fatality."

Based on the Autopsy Report and the results of MSHA's investigation, the committee members concluded that [REDACTED] died from a drug overdose unrelated to his employment and his death should not be charged to the mining industry.

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