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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-2008-03- [REDACTED]

Deceased: [REDACTED]

Date of Incident: January 14, 2008

Date of Death: January 14, 2008

Operator: Premium Processing Inc.

Mine: Mack Avenue Tipple

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 accident investigation disclosed that [REDACTED], age 68, was not a mine employee.

He was in the coal yard of the Mack Avenue Tipple picking up coal from a stockpile and loading it into his personal truck when he collapsed. The death certificate lists the cause of death as acute myocardial infarction due to atherosclerotic heart disease, and the manner of death as natural. MSHA's investigation did not disclose any hazards at the scene of the incident and there was no electric power in the area where [REDACTED] collapsed.

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. Additionally, the deceased was not performing mine related work activities and his death was not caused by mining activities or equipment.

cc: Richard E. Stickler  
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Robert M. Friend