

U.S. Department of Labor

Mine Safety and Health Administration
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Arlington, Virginia 22209-3939



OCT 06 2008

MEMORANDUM FOR FELIX A. QUINTANA

Administrator for Metal and
Nonmetal Mine Safety and Health

FROM:

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SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: M-2008-05 [REDACTED]

Deceased: [REDACTED]

Date of Incident: January 16, 2008

Date of Death: January 16, 2008

Operator: Tor Minerals

Mine: Tor Minerals

Contractor: OneSource

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 54, was an employee of OneSource, a

company contracted to provide janitorial service at the TOR Minerals mine. [REDACTED] normal shift was from 6:00 pm to 11:00 pm. His body was found by a miner at 4:15 am lying on the floor near the break room. The autopsy report indicates that the cause of death was cocaine toxicity with atherosclerotic heart disease and cardiomegaly as contributing conditions.

Based on the autopsy report and the results of MSHA's investigation, the committee members concluded that [REDACTED] died as a result of a cocaine overdose and that his death should not be charged to the mining industry.

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