



FEB 01 2010

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.: 2009-C-32-[REDACTED]

Deceased: [REDACTED]

Date of Incident: May 19, 2009

Date of Death: May 19, 2009

Operator : Luminant Mining  
Company

Mine: Oak Hill Strip

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 38 year old mechanic, was found deceased in the fuel truck he was operating. The vehicle was idling with the windows closed. The levels of carbon monoxide were checked and were normal. No mechanical errors were found with the fuel truck. The MSHA investigation found no evidence of physical or environmental hazards at the worksite. An autopsy showed concentric hypertrophy of the left ventricle and up to 10% narrowing in the coronary arteries. The drug screen was negative for alcohol, cannabis, and other drugs. The cause of death was determined to be natural and due to hypertensive cardiovascular disease both on the autopsy report and the medical examiners report.

Based on the autopsy report, the medical examiners reports and on the MSHA investigation findings, the Fatality Review 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  
Gregory R. Wagner, MD.  
Michael A. Davis