



**JUL - 7 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-54

**Deceased:**

**Date of Incident:** November 27,  
2009

**Date of Death:** November 27, 2009

**Operator:** Extra Energy, Inc.

**Mine:** Eckman #1 Surface 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, the deceased was found slumped over the controls of his front-end-loader. [REDACTED] was unconscious and unresponsive. CPR was begun immediately and the deceased was transported to a local hospital where he was pronounced dead. The loader showed no signs of an accident, trauma or other conditions which may have contributed to an accident. A gas test was performed inside the closed cab of the loader and the CO<sub>2</sub> levels were found to be 0 ppm. High voltage wires that were approximately 100 ft. from the loader were also ruled out as a factor in this case.

The death certificate indicated that the death was due to natural causes and was caused by atherosclerotic cardiovascular heart disease secondary to hypertension and hyperlipidemia. An autopsy was not performed. Based on the death certificate and the results of MSHA's investigation, the 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, M.D.