

U.S. Department of Labor

Mine Safety and Health Administration
1100 Wilson Boulevard
Arlington, Virginia 22209-3939



MAR 28 2011

MEMORANDUM FOR KEVIN G. STRICKLIN
Administrator for Coal
Mine Safety and Health

FROM:

DENNIS RAYMOND *Dennis Raymond*
Acting Chief, Program Policy Evaluation Office

HEIDI W. STRASSLER *Heidi W. Strassler*
Associate Solicitor for Mine Safety and Health

JEFFREY A. DUNCAN *Jeffrey A. Duncan*
Director for Educational Policy and Development

LINDA F. ZEILER *Linda F. Zeiler*
Acting Director of Technical Support

NANCY M. SAHAKIAN, M.D.
Senior Program Management Consultant, Clinical Operations,
Federal Occupational Health Service, United States Public
Health Service *Nancy Sahakian*

SUBJECT:

Fatality Review Committee Decision on Chargeability

Case No.: 2009-C-68-[REDACTED]

Deceased: [REDACTED]

Date of Incident: December 11,
2009

Date of Death: December 13, 2009

Operator: Laurel Creek Mining
Corporation

Mine: No. 6

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 experienced shortness of breath as he was sitting in his unahauler and became unconscious as he was being taken to the surface of the mine site. [REDACTED] was transported to a local hospital and was subsequently transferred to a critical care facility. He died several days later.

The investigation did not disclose any physical or environmental hazards. The unahauler, the equipment electrical components and the electrical circuits were examined thoroughly. [REDACTED] had complained of chest pains for 2 weeks prior to the incident and had not been performing strenuous duties during his shift. The treatment records provided by the local medical center concluded that [REDACTED] died as a result of cardiogenic shock secondary to a massive myocardial infarction with multisystem failure and brain death. No autopsy was performed.

Based on the results of MSHA's investigation and on the medical documentation provided, 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.
Patricia W. Silvey