

U.S. Department of Labor

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



MAR 28 2011

MEMORANDUM FOR NEAL H. MERRIFIELD
Administrator for Metal and
Nonmetal Mine Safety and Health

FROM:

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SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: 2010-M-03-[REDACTED]

Deceased: [REDACTED]

Date of Incident: January 04, 2010

Date of Death: January 04, 2010

Operator: Unimin Corporation
Contractor: A. J. McDirtt, Inc.

Mine: Unimin Corporation Oregon, IL
Plant

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 contractor truck driver, was driving his truck up a ramp to be loaded. He circled around to get in position to be loaded when his vehicle went over a 4-6 foot berm and came to rest against the highwall. When found, he was unresponsive and was declared dead at the scene. No evidence of physical or environmental factors contributing to his death were found.

Both the autopsy report and the death certificate attribute the death to cardiac arrhythmia due to ischemic heart disease. The death certificate indicated the manner of death was natural. An evaluation of the circumstances surrounding the death of [REDACTED] found that the vehicle accident was not a factor in his death.

Based on the death certificate, the autopsy report and the MSHA investigation the committee members concluded that [REDACTED] died as a result of 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