

**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-13 [REDACTED]

**Deceased:** [REDACTED]

**Date of Incident:** May 04, 2010

**Date of Death:** May 04, 2010

**Operator:** Dolese Brothers Company

**Mine:** Davis Rock Quarry

**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 customer truck driver, arrived on the property to pick up a load of rock. After being loaded, he returned to the scale house to receive his after loading weight ticket. It was noted by scale house personnel that [REDACTED] had not returned his signed weight ticket or moved his truck so that the next vehicle could move into place. He was found slumped over in his truck and was unresponsive. Emergency treatment was given at the mine site and [REDACTED] was transferred to a regional hospital where he was pronounced dead later in the day. [REDACTED] had not performed any unusual activities on the day of the incident.

His certificate of death indicated that the manner of death was natural and the cause of death was cardiac arrhythmia due to ischemic heart disease. No autopsy was performed.

Based on the certificate of death 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