

**U.S. Department of Labor**

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



AUG 24 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-23 [REDACTED]

**Deceased:** [REDACTED]

**Date of Incident:** April 19, 2010

**Date of Death:** April 19, 2010

**Operator:** Cemex Construction  
Materials

**Mine:** Lapis 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 55 year old mill operator, was found unresponsive in the control room of the second level of a sand plant. [REDACTED] had complained several hours into his shift that he did not feel well but chose to continue to work. His duties required him to walk up and down the stairs of the three level plant to check machinery and the levels of sand in bunkers.

CPR was begun by co-workers, but ambulance personnel found [REDACTED] already deceased. The coroner's report, the autopsy report and the death certificate found that the manner of death was natural and that the cause of death was "coronary artery atherosclerotic disease". A toxicology screening was negative. Inspections of the site by OSHA and MSHA found no physical or environmental hazards which may have contributed to his death.

The postmortem findings as well as the results of the on-site investigation were examined by the committee. 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  
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