

U.S. Department of Labor

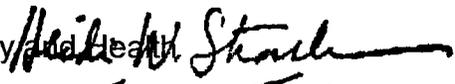
Mine Safety and Health Administration
1100 Wilson Boulevard
Arlington, Virginia 22209-3939



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

FROM: JEFFREY A. DUNCAN 
Committee Chair
Director for Educational Policy and Development

HEIDI W. STRASSLER 
Associate Solicitor for Mine Safety and Health

GEORGE TRIEBSCH 
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

BRENT A. CARPENTER 
Chief, Office Program Policy Evaluation

SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: 2011-M-44  **Deceased:** 
Date of Incident: October 05, 2011 **Date of Death:** October 08, 2011
Operator: CEMEX Southeast, LLC. **Mine:** Clinchfield Plant CEMEX
Incorporated
Contractor: K & G Industrial Services
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 56 year old Safety Director for a mine contractor, conducted a safety meeting prior to the night shift. Forty-five minutes into the shift he complained of a severe headache. [REDACTED] had difficulty breathing and a mine employee drove him to the main parking lot. They were met by an ambulance crew that transported him to a local hospital. He was declared brain dead three days later.

The death certificate indicated that the manner of death was natural and was due to cardiac arrest secondary to a brain hemorrhage. An autopsy was not performed. The MSHA investigation did not identify any environmental or physical hazards at the mine site.

Based on the findings of the death certificate and the results of MSHA's investigation, the committee members concluded that [REDACTED] died due to natural causes and that his death should not be charged to the mining industry.

cc: Joseph A. Main
Anthony C. Mayville
Patricia W. Silvey