



MAR 12 2008

MEMORANDUM FOR FELIX A. QUINTANA

Administrator for Metal and
Nonmetal Mine Safety and Health

FROM:

GEORGE M. FESAK *George M. Fesak*
Director, Program Evaluation and Information Resources
Chairman, MSHA Fatality Review Committee

EDWARD P. CLAIR *Edward P. Clair*
Associate Solicitor for Mine Safety and Health
Member, MSHA Fatality Review Committee

JEFFREY A. DUNCAN *Jeffrey A. Duncan*
Director, Educational Policy and Development
Member, MSHA Fatality Review Committee

MARK E. SKILES *Mark E. Skiles*
for Director, Technical Support
Member, MSHA Fatality Review Committee

SUBJECT: Fatality Review Committee Decision on Chargeability

Deceased: [REDACTED]

Case No.: M-2007-44

Date of Incident: August 14, 2007

Date of Death: August 14, 2007

Operator: Empire Iron Mining
Partnership

Mine: Empire Mine

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. The deceased, a 53-year old control room operator, was found unconscious on the floor outside the control room restroom. The Certificate of Death listed the manner of death as natural

and cause of death as "acute ventricular fibrillation." The MSHA investigation found that the employee was not performing electrical work and that exposed energized circuits were not present. Based on the Certificate of Death, the committee members concluded that [REDACTED] died from natural causes and his death should not be charged to the mining industry.

cc: Richard E. Stickler
John Pallasch
Robert M. Friend