



MAY 6 - 2009

MEMORANDUM FOR KEVIN G. STRICKLIN
Administrator for Coal
Mine Safety and Health

FROM:

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SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: 2009-C-03-[REDACTED]

Deceased: [REDACTED]

Date of Incident: January 24, 2009

Date of Death: January 24, 2009

Operator: Apex Energy, Inc.

Mine: No. 3

Decision: Not Chargeable

In a unanimous decision, the Fatality Review Committee has determined that the death of ██████ should not be charged to the mining industry. The deceased, a 46 year old equipment greaser, was driving home after his shift and drove his personal vehicle into a ditch along an access road. MSHA's investigation found that the deceased's vehicle slowed and then ran off the road at a low rate of speed. Minimal vehicle damage was found.

Tests were performed on the lube truck ██████ had been operating during his shift. The carbon monoxide levels were normal. The ground in the area of the lube truck was checked for stray current and voltage. None were found. The light plant nearby was also checked and no frame to earth voltage was detected. ██████ had undergone an aortic stent replacement and had a history of heart problems. The Death Certificate and Coroner's Investigation Report concluded that ██████ died as a result of an acute cardio vascular event. A toxicology report did not find that drugs or alcohol were a factor in his death. An autopsy was not performed.

Based on the Death Certificate, the Coroner's Investigation Report, the toxicology report findings and MSHA's investigation, the committee members concluded that ██████ died from natural causes and that his death should not be charged to the mining industry.

cc: Michael A. Davis