

U.S. Department of Labor

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



JUN 18 2008

MEMORANDUM FOR FELIX A. QUINTANA

Administrator for Metal and
Nonmetal Mine Safety and Health

FROM:

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SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: M-2007-55 [REDACTED] [REDACTED]

Date of Incident: September 9, 2007

Date of Death: September 9, 2007

Operator: May Land Sand & Gravel,
Inc.

Mine: Collins Lake Plant

Contractor: S.V. Simmons Excavation,
Inc.

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. MSHA's investigation

revealed that [REDACTED] was a 49-year-old contract front-end loader operator who was performing reclamation work at the Collins Lake Plant mine. The plant manager found [REDACTED] slumped over in the loader. The engine on the front-end loader was still running and the bucket was raised 3 feet. MSHA personnel inspected the loader and did not find any evidence of an exhaust leak. The autopsy report lists the cause of death as "Atherosclerotic Coronary Artery Disease" and the manner of death as "Natural." Based on the Autopsy Report and the results of MSHA's investigation, 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