



JUN 20 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-2007-67 [REDACTED]

Deceased: [REDACTED]

Date of Incident: April 25, 2007

Date of Death: April 25, 2007

Operator: Riverton Investment
Corporation

Mine: Essroc Cement Corporation

Decision: Chargeable

In a unanimous decision, the Fatality Review Committee has determined that the death of [REDACTED] should be charged to the mining industry. According to MSHA's investigation, [REDACTED] was an employee of the Essroc Cement Corporation mine. At

2:40 pm, [REDACTED] hauled the last load of the day to the waste dump located on the 870-foot level. The haul truck he was driving drifted off to the right side of the road approximately 50 feet. The truck continued over the berm, slid for a distance, and rolled 120 feet to the 740-foot level below. [REDACTED] was not wearing a seat belt and was thrown from the truck.

MSHA's accident investigators determined that the accident occurred because the deceased did not maintain control of the truck but they were unable to determine why he could not do so. The truck involved in the accident was inspected and no defects that would have caused [REDACTED] to lose control of the truck were found.

The autopsy report concludes that [REDACTED] died, "[a]s the result of multiple injuries sustained as the unrestrained driver involved in a single motor vehicle accident during work-related activity. The coroner proposed a possible contributory element, i.e. "sudden incapacitation due to severe atherosclerotic cardiovascular disease." This was based on the autopsy finding of severe two-vessel atherosclerotic coronary artery disease. However, postmortem examination of the heart revealed no evidence of a prior myocardial infarction, rupture of, or acute clot within a coronary artery, or anatomical abnormality that would predispose the employee to sudden death. An acute cardiac event is possible but without a prior history of sudden loss of consciousness, or an anatomical lesion or abnormality, such an event is unsupported supposition. As it stands there is no evidence to explain the apparent loss of control of the vehicle. Incapacitation as a result arteriosclerotic coronary disease is as unsupported as is the possibility of distraction, postprandial somnolence or driver error, as a potential cause of the accident.

In conclusion, the autopsy report does not present any supporting evidence that [REDACTED] suffered a heart attack, or any other form of incapacitation, prior to or during the accident. Based on the autopsy report, the committee concluded that [REDACTED] death was due to the accident and should be charged to the mining industry. The incidental finding of severe atherosclerosis is not sufficient to conclude that [REDACTED] suffered a heart attack, causing him to lose control of his vehicle.

cc: Richard E. Stickler
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