



JUL 01 2008

MEMORANDUM FOR FELIX A. QUINTANA

Administrator for Metal and
Nonmetal Mine Safety and Health

FROM:

for
GEORGE M. FESAK *George M. Fesak*
Director, Program Evaluation and Information Resources

ALFRED B. BROOKS *Alfred B. Brooks*
Medical Director, Office of Workers Compensation Programs

EDWARD P. CLAIR *Edward P. Clair*
Associate Solicitor for Mine Safety and Health

JEFFREY A. DUNCAN *Jeffrey A. Duncan*
Director for Educational Policy and Development

MARK E. SKILES *Mark E. Skiles*
Director of Technical Support

SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: M-2007-69 [REDACTED]

Deceased: [REDACTED]

Date of Incident: December 12, 2007

Date of Death: December 12, 2007

Operator: Wade Moore Equipment
Co.

Mine: Fleming Mill and Pits

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. According to MSHA's investigation, [REDACTED], age 55, was a mechanic/haul truck driver for the

Fleming Mill and Pits mine. He was in the raw material area of the pit helping two other employees replace a pin in the bucket cylinder of an excavator when he collapsed. The death certificate indicates that the immediate cause of death was cardiopulmonary arrest due to acute myocardial infarction. An autopsy was not performed. MSHA's investigation did not find any conditions that could have contributed to [REDACTED] death. Based on the death certificate 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