



AUG 16 2008

MEMORANDUM FOR FELIX A. QUINTANA  
Administrator for Metal and  
Nonmetal Mine Safety and Health

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SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: M-2008-02 [REDACTED]

Deceased: [REDACTED]

Date of Incident: January 18, 2008

Date of Death: January 18, 2008

Operator: Bay Sand Company, Inc.

Mine: Bay Sand Company, 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. [REDACTED], a 69-year-old independent contract truck driver was found unresponsive lying on the scale house floor by a co-worker arriving for her shift. Apparently, the deceased had spent

the night in the scale house at the end of his shift, watching over the mine site. He had been dead several hours before the first employee arrived on the scene. To rule out airborne contamination, tests were done using a hand-held gas testing device. The levels of oxygen and carbon monoxide were normal.

The death certificate indicated that [REDACTED] died of acute cardiac respiratory insufficiency and chronic obstructive pulmonary disease. The deceased also suffered from asthma and an inhaler was found beside his body. Based on the information provided by 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