



OCT 06 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-2008-06 [REDACTED]

Deceased: [REDACTED]

Date of Incident: January 03, 2008

Date of Death: January 03, 2008

Operator: Earthworks, Inc.

Mine: Earthworks, Inc., Site II

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 disclosed that [REDACTED], age 44, was employed as a lead man at Earthworks, Inc., Site II. On the morning of his death, [REDACTED] performed his usual duties as a lead man: directing the workforce, loading trucks, and performing various maintenance tasks. About 11:00 am he assisted two miners install a rock breaker on an excavator. After the

rock breaker was installed, [REDACTED] became ill and collapsed. Emergency Medical Service personnel responded to the incident but were unable to revive [REDACTED]. The autopsy report indicates that the cause of death was acute myocardial infarction, with severe coronary disease.

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.

Doctor Alfred B. Brooks, Medical Director, Office of Workers Compensation Programs, voted "Not Chargeable" on this case but was not able to sign this decision memorandum.

cc: Richard E. Stickler
John Pallasch
Robert M. Friend