



OCT 14 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-2008-10 [REDACTED]

Deceased: [REDACTED]

Date of Incident: March 19, 2008

Date of Death: March 19, 2008

Operator: Norris Asphalt Paving Co.

Mine: Norris Aggregates Products
Co., Plant #83

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], age 40, was employed as a plant operator at the Norris Aggregates Products Co., Plant #83. [REDACTED] was cleaning build up material out of the crusher hopper using a pick when he suffered shortness of breath.

He collapsed a short time later and was pronounced dead soon after at a local hospital. Cleaning the crusher hopper was a routine part of [REDACTED] duties as a plant operator. The Death Certificate indicates that the manner of death was natural. The Autopsy Report states that the cause of death was atherosclerotic coronary vascular disease and that cardiomegaly (660 g) and obesity were significant contributing factors.

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