U.S. Department of Labor

Mine Safety and Health Administration
1100 Wilson Boulevard
Arlington, Virginia 22209-3939

JAN 5 2009

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

FROM: GEORGE M. FESAK George M. Fesak
Director, Program Evaluation and Information Resources

EDWARD P. CLAIR by HW Strode for EPC
Associate Solicitor for Mine Safety and Health

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

MARK E. SKILES
Director of Technical Support

NANCY M. SAHAKIAN, MD
Senior Program Management Consultant, Clinical Operations,
Federal Occupational Health Service, United States Public
Health Service Nancy Sahakian

SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: M-2008-37[redacted] **Deceased:** [redacted]

Date of Incident: July 27, 2008 **Date of Death:** July 27, 2008

Operator: Wysong Stone Company **Mine:** Wysong Stone Company

Decision: Not Chargeable

You can now file your MSHA forms online at www.MSHA.gov. It's easy, it's fast, and it saves you money!

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] was an over-the-road produce truck driver for Marten Transport, Ltd. He was not an employee of the Wysong Stone Company. [redacted] had parked his truck on mine property on a day when the mine was idle. A member of the public discovered [redacted] body in the cab of his truck. MSHA's investigation did not identify any hazards that could have contributed to [redacted] death. The Coroner's Report indicated that the manner of death was natural and the cause of death was atherosclerotic cardiovascular disease with ruptured acute myocardial infarction. The toxicology report did not indicate evidence of ethanol, drugs of abuse, or carbon monoxide.

Based on the Coroner's Report, the toxicology report, and the results of MSHA's investigation, the committee members concluded that [redacted] death should not be charged to the mining industry. He was not performing mining related work activities nor was his death caused by mining activities or equipment. Additionally, the Coroner's Report indicates that [redacted] died of natural causes.

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