U.S. Department of Labor

Mine Safety and Health Administration
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JAN 25 2010

MEMORANDUM FOR NEAL H. MERRIFIELD
Acting Administrator for Metal and
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FROM: KENNETH A. BULLOCK
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SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: 2009-M-13-[redacted]

Deceased: [redacted]

Date of Incident: March 10, 2009

Date of Death: March 10, 2009

Operator: Unimin Corp.

Mine: Unimin-Dividing Creek Plant

Decision: Not Chargeable

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In a unanimous decision, the Fatality Review Committee has determined that the death of [redacted] should not be charged to the mining industry. The deceased, a 70 year old contract landscaper, was found by a co-worker slumped over in a tractor he was using to tow a small spreader. The tractor had traveled through some brush and crashed into several wooden posts. The tractor was not running but the switch was in the "on" position. Mr. [redacted] heart had stopped by the time help arrived and efforts to resuscitate him failed. No signs of trauma were found and no sign of any obstructions that caused him to lose control of the tractor were discovered. The Certificate of Death states that the manner of death was natural and the cause of death was cardiac arrest.

Based on the Certificate of Death, the rescue squad records 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: Joseph A. Main
Gregory R. Wagner, M.D.
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