

U.S. Department of Labor

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



JUL - 7 2010

MEMORANDUM FOR NEAL H. MERRIFIELD
Acting Administrator for Metal and
Nonmetal Mine Safety and Health

FROM:

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SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: 2009-M-51

Deceased:

Date of Incident: August 19, 2009

Date of Death: August 19, 2009

Operator: Barber Brothers
Contracting Co. LLC

Mine: Kent #3 Lease

Decision: Not chargeable

In a unanimous decision, the Fatality Review Committee has determined that the death of _____ should not be charged to the mining industry. _____ a 45 year old dredge operator, had completed his duties for the day and was sitting on the dredge discharge pipe when he collapsed and fell into the water. A co-worker who was standing nearby pulled _____ from the water and emergency medical service personnel were called. He was pronounced dead later in the day at a local hospital. _____ had paddled a small boat to the dredge at the start of the day and paddled it back at the end of his shift.

The MSHA investigation found that his duties did not include any heavy lifting or other arduous tasks. Weather conditions in the area were not considered to be a factor. The deceased was significantly overweight and had a prior history of open heart surgery. The Death Certificate listed the cause of death as Cardiac Arrest. An autopsy was not performed.

Based on the Certificate of Death and the results of MSHA's investigation, the committee members concluded that _____ died from natural causes and that his death should not be charged to the mining industry.

cc: Joseph A. Main
Gregory R. Wagner, M.D.