

**U.S. Department of Labor**

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



**MAR 28 2011**

**MEMORANDUM FOR NEAL H. MERRIFIELD**  
**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-69 [REDACTED]

**Deceased:** [REDACTED]

**Date of Incident:** October 1, 2009

**Date of Death:** October 1, 2009

**Operator:** Newmont USA, Ltd.

**Mine:** South Area

**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. [REDACTED] was walking to his water truck at the beginning of his shift when he was found by co-workers lying on the ground within five feet of the vehicle. The scene was examined and no external source of injury was found. In addition, no electrical hazards were found.

The autopsy report identified an enlarged heart and severe coronary artery disease with more than 90% occlusion of several coronary arteries. The toxicology screen did not detect any evidence of alcohol or drug use. The death certificate indicated that the death was due to an acute myocardial infarction secondary to coronary artery atherosclerosis.

Based on the certificate of death, the autopsy report and the MSHA investigation, the committee members concluded that [REDACTED] died as a result of natural causes and that his death should not be charged to the mining industry.

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