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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.: 2010-M-25- [REDACTED]

Deceased: [REDACTED]

Date of Incident: August 19, 2010

Date of Death: August 19, 2010

Operator: Cemex, Inc.

Mine: Balcones Quarry

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], a 56 year old customer truck driver, was waiting in line to weigh his load at the truck scale but had not moved his truck. A co-worker went to check on him and found him unresponsive and slumped over in his truck. Paramedics were called but efforts to revive him failed. The coroner arrived on the scene soon after and [REDACTED] was pronounced dead.

The deceased had a history of hypertension and coronary artery disease and had a stent placed in his main coronary artery in February of 2010. The certificate of death indicated that the manner of death was natural and was due to ventricular fibrillation due to ischemic cardiomyopathy and coronary artery disease. No autopsy was performed. The MSHA investigation failed to identify any physical or environmental hazards.

Based on the certificate of death and the findings of the MSHA investigation the committee members concluded that [REDACTED] 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.  
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