

**U.S. Department of Labor**

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



**AUG 24 2011**

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

**FROM:**

**DENNIS RAYMOND** *Dennis Raymond*  
Acting Chief, Program Policy Evaluation Office

**HEIDI W. STRASSLER** *Heidi W. Strassler*  
Deputy Associate Solicitor for Mine Safety and Health

**JEFFREY A. DUNCAN** *Thomas Kessler for*  
Director for Educational Policy and Development

**LINDA F. ZEILER** *Linda F. Zeiler*  
Acting Director of Technical Support

**NANCY M. SAHAKIAN, M.D.**  
Senior Program Management Consultant, Clinical Operations,  
Federal Occupational Health Service, United States Public  
Health Service *N. Sahakian*

**SUBJECT:** Fatality Review Committee Decision on Chargeability

**Case No.:** 2010-M-29 [REDACTED]

**Deceased:** [REDACTED]

**Date of Incident:** October 08, 2010

**Date of Death:** October 08, 2010

**Operator:** Pennsy Supply, Inc.

**Mine:** Tarburton Pit

**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 50 year old customer truck driver, pulled his truck onto a scale but did not move off the scale after obtaining his paperwork. Another driver went to investigate and found the deceased slumped over the wheel of his truck. [REDACTED] was removed from his truck and CPR was performed by co-workers. Emergency medical services were called. He was transported to a local hospital where he was pronounced dead.

The certificate of death determined that the manner of death was natural and the cause of death was coronary artery disease. No autopsy was performed.

Based on the findings of the certificate of death, 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.  
Patricia W. Silvey