

**U.S. Department of Labor**

Mine Safety and Health Administration  
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Arlington, Virginia 22209-3939



DEC 19 2013

MEMORANDUM FOR KEVIN G. STRICKLIN  
Administrator for Coal  
Mine Safety and Health

FROM:

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SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: 2012-C-43-[REDACTED]

Deceased: [REDACTED]

Date of Incident: November 2, 2012

Date of Death: January 13, 2013

Operator: Pioneer Coal, Inc.

Mine: Mine #1

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 49 year old miner helper, suffered bruising injuries to his right hand and shoulder while he was cleaning coal spillage from a conveyor belt. The injury was reported as a lost time accident. [REDACTED] had not returned to work at the time of his death.

Two months later he was riding in his sister's car when he told her that he had taken methadone and another medication while drinking alcohol. He then became unresponsive. He was transported to a local hospital where he was pronounced dead. The autopsy report indicated that the cause of death was central nervous system and respiratory depression due to acute methadone intoxication. The toxicology screen showed a therapeutic to lethal concentration of methadone and a therapeutic concentration of oxycodone. The MSHA investigation did not find a link between the earlier accident at the mine and his death.

Based on the findings of the autopsy report and MSHA's Investigation Committee, members concluded that his death was unrelated to his work related accident and that his death should not be charged to the mining industry.

cc: Joseph A. Main  
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