

U.S. Department of Labor

Mine Safety and Health Administration
201 12th Street South
Arlington, Virginia 22202-5452

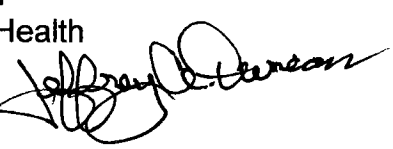


DEC 29 2016

MEMORANDUM FOR TIMOTHY WATKINS

Acting Administrator for
Coal Mine Safety and Health

FROM:

JEFFREY A. DUNCAN 
Committee Chair
Director for Educational Policy and Development

SUBJECT:

Chargeability Review Decision

Case No.: 2016-C-22-[REDACTED]s

Deceased: [REDACTED]

Date of Incident: November 4, 2016

Date of Death: November 4, 2016

Operator: EP Bender Coal Company

Mine: EP Bender Strips
MSHA ID 36-08398

Contractor: Centre Drilling Inc.

Autopsy Conducted: Not conducted

Death Certificate Issued: November
8, 2016

Decision: Not chargeable

I have reviewed the investigative report in the death of [REDACTED] and determined it should not be charged to the mining industry. [REDACTED], a 63-year-old contract highwall drill operator, was found by a co-worker slumped over and unresponsive in the cab of his drilling machine. Miners and emergency medical personnel performed cardiopulmonary resuscitation on [REDACTED]. However, these efforts were unsuccessful, and [REDACTED] was transported to the county coroner's office where he was officially pronounced dead.

The death certificate stated that the manner of death was natural, and that the primary cause of death was probable cardiac arrhythmia due to hypertension. The MSHA investigation did not reveal any environmental or physical conditions that contributed to the death.

Based on the death certificate and MSHA's investigation, I have determined that the death of [REDACTED] was not due to mine related work activities and should not be charged to the mining industry.

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cc: Joseph A. Main
Patricia W. Silvey
Laura V. McClintock
Marcus A. Smith