

**U.S. Department of Labor**

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



JAN 23 2017


MEMORANDUM FOR TIMOTHY WATKINS

Deputy 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-24-

**Deceased:** 

**Date of Incident:** November 18, 2016

**Date of Death:** November 18, 2016

**Operator:** Clintwood Elkhorn Mining LLC


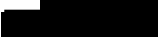

**Mine:** Clintwood Elkhorn III  
MSHA ID 44-03010

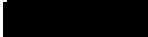
**Contractor:** He-Man Trucking

**Autopsy Conducted:** No

**Death Certificate Issued:** November  
27, 2016

**Decision:** Not chargeable

I reviewed the investigative report in the death of  and determined it should not be charged to the mining industry.  age 53, was the owner of He-Man Trucking and contracted to haul refuse at the mine. On the day of the incident, one of  employees found him slumped over the steering wheel of his pickup truck.

Emergency medical technicians at the mine performed cardiopulmonary resuscitation and attached an automated external defibrillator (which advised no shock be given). No pulse or vital signs were detected. An ambulance transported  to the hospital where he was pronounced dead.

The death certificate stated that the immediate cause of death was "sudden death acute coronary syndrome." The MSHA investigation did not reveal any environmental or physical conditions that contributed to the death.

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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.

cc: Patricia W. Silvey  
Marcus A. Smith