

U.S. Department of Labor

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



MAY 17 2017

MEMORANDUM FOR: MARVIN LICHTENFELS

**Deputy Administrator for Metal and Nonmetal
Mine Safety and Health**

FROM:

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

SUBJECT:

Chargeability Review Decision

Case No.: 2017-M-12-

Deceased: 

Date of Incident: January 10, 2017

Date of Death: January 11, 2017

Operator: Oldcastle Lawn & Garden


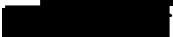
Mine: Oldcastle Stone Products
MSHA ID 19-00018

Contractor: NA

Autopsy Conducted: Yes

Death Certificate Issued: January 17,
2017

Decision: Not Chargeable

I reviewed the investigative report in the death of  and determined it should not be charged to the mining industry.  a 56-year-old forklift operator started his shift at 3:00 p.m. on January 10, 2017. He interacted with miners during his shift, but also worked alone. He was last observed alive at 10:44 p.m. (on security camera). At approximately 6:30 a.m. the next morning he was discovered deceased in the warehouse by a miner.

An autopsy was performed and listed the cause of death as hypertensive and atherosclerotic cardiovascular disease. The autopsy report also noted that medical records indicate prior treatment for heart disease (angioplasty and stent placement). The death certificate states that the manner of death was natural, and that the immediate cause of death was hypertensive and atherosclerotic cardiovascular disease. The MSHA investigation did not reveal any environmental or physical conditions that contributed to the death.

Based on the autopsy, death certificate, and MSHA's investigation, I 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
Kevin G. Stricklin
Sheila A. McConnell
Lawrence Trainor