

**U.S. Department of Labor**

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



MAR 29 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.:** 2017-C-05 [REDACTED]

**Deceased:** [REDACTED]

**Date of Incident:** February 5, 2017

**Date of Death:** February 5, 2017

**Operator:** Needmore Mining, LLC

**Mine:** Fall Rock Mine #6  
MSHA ID 4609339

**Contractor:** N/A

**Autopsy Conducted:** Yes

**Death Certificate Issued:** February 6,  
2017

**Decision:** Not Chargeable

I reviewed the investigative report in the death of [REDACTED] and determined it should not be charged to the mining industry. [REDACTED], a 72-year-old dozer operator, was found deceased next to an idled dozer. He was discovered by his daughter, the mine owner, who had traveled to the mine site after she was informed [REDACTED] had not returned home the prior night. Emergency responders, a deputy sheriff, and the county coroner arrived at the scene. [REDACTED] was declared dead.

The death certificate states that the manner of death was natural, and the immediate cause of death was atherosclerotic cardiovascular disease. The MSHA investigation did not reveal any environmental or physical conditions that contributed to the death. An autopsy was performed but not provided.

Based on the 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.

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cc: Patricia W. Silvey  
Kevin G. Stricklin  
Sheila A. McConnell  
Marcus A. Smith