U.S. Department of Labor

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

MAY 1 1 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-11- ███████   **Deceased:** ███████

Date of Incident: March 15, 2017   **Date of Death:** March 15, 2017

Operator: Mountaineer Mining Corporation   **Mine:** Mountaineer #1
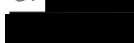   MSHA ID 36-08501

Contractor: D&R Trucking, LLC
                ID A0131

Autopsy Conducted: Yes   **Death Certificate Issued**: March 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 55-year-old contractor
tractor trailer driver, was performing his normal job duties on the day of the incident.
He had positioned his tractor trailer for a load of coal, but suddenly stopped
communicating with a co-worker over his CB radio. Two truck drivers investigated
and found ██████ unresponsive and slumped over in the cab of the truck. No
pulse was detected, and mine personnel called 911 for medical assistance.
Fire fighters and emergency medical technicians responded and ██████ was taken
by ambulance to the local hospital. He was pronounced dead at the hospital by the
County Coroner.

The death certificate states that the manner of death was natural, and that the
immediate cause of death was myocardial infarction due to occlusive coronary artery
disease. 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 determined that the death of ▉▉▉▉▉▉ was not due to mine related work activities and should not be charged to the mining industry.

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