



AUG 30 2017

MEMORANDUM FOR: TIMOTHY WATKINS
Deputy Administrator for [REDACTED]
Coal Mine Safety and Health [REDACTED]

FROM: JEFFREY A. DUNCAN [REDACTED]
Committee Chair
Director for Educational Policy and Development

SUBJECT: Chargeability Review Decision

Case No.: 2017-C-26-[REDACTED]

Deceased: [REDACTED]

Date of Incident: July 1, 2017

Date of Death: July 3, 2017

Operator: Warrior Met Coal Mining LLC

Mine: No 7 Mine
MSHA ID 01-01401

Contractor: N/A

Autopsy Conducted: 07/03/2017

**Certified Copy of Death Certificate
Issued:** August 10, 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. Mr. [REDACTED], a 37-year-old locomotive operator, arrived on mine property and parked his vehicle between 2:00 and 3:00 p.m. He was scheduled to work the evening shift, but did not report for work.

The next day, at approximately 10:45 p.m., he was found by his parents in his personal vehicle, parked in the mine's parking lot. Mr. [REDACTED] was unresponsive. An employee in the mine's control room called for an ambulance. Paramedics arrived and their assessment determined Mr. [REDACTED] had been in his vehicle for over 24 hours and was deceased. The medical control physician from a local hospital granted a "death in the field" based on information provided by the paramedics, and Mr. [REDACTED] was pronounced dead July 3, 2017 at 12:33 a.m.

The death certificate and medical examiner's report state that the cause of death was Buprenorphine toxicity and the manner of death was accident. The death certificate

also indicates the injury occurred due to "ingested medication that had been prescribed to decedent". The MSHA investigation did not reveal any environmental or physical conditions that contributed to the death.

Based on the death certificate, medical examiner's report, and MSHA's investigation I determined that the death of Mr. [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
Marcus A. Smith