



DEC 13 2017

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

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

SUBJECT: Chargeability Review Decision

Case No.: 2017-C-42-[REDACTED]

Deceased: [REDACTED]
Hughes

Date of Incident: July 29, 2017

Date of Death: July 29, 2017

Operator: Phoenix Coal-Mac LLC

Mine: Holden #22 Surface
MSHA ID 46-08984

Contractor: N/A

Autopsy Conducted: Yes

Death Certificate Issued: August 15,
2017

Autopsy Received by MSHA: December
4, 2017

Death Certificate Received by
MSHA: October 31, 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 57-year-old rock truck driver, was found unconscious on the ground near the mine office where he had been trimming weeds. Miners performed cardiopulmonary resuscitation (CPR) until responding paramedics arrived. The paramedics continued CPR and transported Mr. [REDACTED] to the hospital. However, he could not be resuscitated and was pronounced dead.

Both the autopsy report and death certificate state that the manner of death was natural, and that the immediate cause of death was sudden death due to underlying atherosclerotic cardiovascular artery disease. Cardiomegaly was listed on the autopsy report and death certificate as contributing to the death. The MSHA

investigation did not reveal any environmental or physical conditions that contributed to the death.

Based on the autopsy report, death certificate, 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
David G. Zatezalo
Wayne D. Palmer
Marcus A. Smith

bcc: Brent Carpenter
Tiffany Smith