

U.S. Department of Labor

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



JUN 28 2017

MEMORANDUM FOR: MARVIN LICHTENFELS

Deputy Administrator for Metal and Nonmetal
Mine Safety and Health

FROM:

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

SUBJECT: Chargeability Review Decision

Case No.: 2017-M-16-[REDACTED]

Deceased: [REDACTED] [REDACTED]

Date of Incident: May 18, 2017

Date of Death: May 18, 2017

Operator: O-N Minerals (Chemstone
Company)

Mine: Winchester Plant
MSHA ID 44-00044

Contractor: Perry Engineering Company
Inc.
ID H257

Autopsy Conducted: No

Death Certificate Filed: May 22, 2017

Autopsy Report Issued: N/A

**Death Certificate Received by
MSHA:** June 14, 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 68-year-old contractor excavator operator, stopped working approximately an hour and a half into his shift and complained to a co-worker that he was experiencing pain in his abdominal area. A call was made to 911, and [REDACTED] sat in his vehicle until paramedics arrived. Mr. Tracy was transported by ambulance to a local hospital, and died during emergency surgery.

The death certificate states that the immediate cause of death was "ruptured abdominal aortic aneurysm", and hemodynamic shock is listed as the underlying cause of death. 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 [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