

U.S. Department of Labor

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



SEP 29 2017

MEMORANDUM FOR: EMILY K. HARGROVE
Acting 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-29-[REDACTED]

Deceased: [REDACTED]

Date of Incident: July 26, 2017

Date of Death: July 26, 2017

Operator: Tezak Heavy Equipment
Company Inc.

Mine: T.H.E. Aggregate Source
MSHA ID 05-00073

Contractor: N/A

Autopsy Conducted: Yes

Death Certificate Issued: September
11, 2017

**Date of Autopsy
Report:** August 10, 2017

**Death Certificate Received by
MSHA:** September 13, 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 supervisor, collapsed while working with a shovel. Cardiopulmonary resuscitation was performed without success and Mr. [REDACTED] expired.

Both the autopsy report and the death certificate state that the manner of death was natural, and that the immediate cause of death was acute myocardial infarction. Right coronary artery thrombosis and atherosclerotic cardiovascular disease were listed as underlying causes of death on the death certificate and the autopsy report. 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
Kevin G. Stricklin
Sheila A. McConnell
Lawrence Trainor