

U.S. Department of Labor

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



NOV 30 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-35 [REDACTED]

Deceased: [REDACTED]

Date of Incident: August 11, 2017

Date of Death: August 11, 2017

Operator: Burningham Enterprises Inc.

Mine: Salt Creek Mine
MSHA ID 42-02540

Contractor: N/A

Autopsy Conducted: Yes

Death Certificate Issued: October 10,
2017

Date of Autopsy: August 12, 2017

**Death Certificate Received by
MSHA:** November 1, 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 56-year-old over-the-road truck driver, complained of dizziness to his dispatcher after shoveling material from his overloaded truck. The dispatcher advised Mr. [REDACTED] to rest in his truck, and another truck driver was dispatched to assist with the overloaded truck. Approximately one hour later, the other truck driver arrived and found Mr. [REDACTED] in his truck and unresponsive. EMS was contacted, cardiopulmonary resuscitation was performed, and Mr. [REDACTED] was transported to the hospital. However, he could not be resuscitated.

Both the autopsy report and death certificate state that the manner of death was natural, and that the immediate cause of death was hypertensive and atherosclerotic cardiovascular disease. Obesity was listed as a contributing condition. The MSHA investigation did not reveal any environmental 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 due to underlying heart disease, not mine related work activities, and it should not be charged to the mining industry.

cc: Patricia W. Silvey
Kevin G. Stricklin
Sheila A. McConnell
Lawrence Trainor