



JAN 18 2018

MEMORANDUM FOR: EMILY K. HARGROVE
Acting Deputy Administrator for Metal and Nonmetal
Mine Safety and Health

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

SUBJECT: Chargeability Review Decision

Case No.: 2017-M-44- [REDACTED]

Deceased: [REDACTED]

Date of Incident: October 3, 2017

Date of Death: October 3, 2017

Operator: Empire Mining Co., LLC

Mine: Empire Mine
MSHA ID 26-00095

Contractor: N/A

Autopsy Conducted: Yes

Death Certificate Issued: December
13, 2017

Autopsy Report Received
by MSHA: December 15, 2017

Death Certificate Received by
MSHA: December 20, 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 64-year-old customer over the road truck driver, was found unresponsive and slumped over the steering wheel of his truck. Both miners and responding emergency medical personnel conducted resuscitative efforts, however Mr. [REDACTED] could not be revived and was pronounced dead at the scene.

The autopsy exam revealed severe coronary and aortic atherosclerosis and prior coronary bypass surgery. In addition, the toxicology component of the autopsy indicated methamphetamine toxicity at the time of death. Both the autopsy and death certificate state that the immediate cause of death was "hypertensive-type and atherosclerotic cardiovascular disease" and list methamphetamine toxicity as a

significant condition contributing to the death. Diabetes mellitus is also listed as a significant condition contributing to the death. The autopsy did not find evidence of an occupational injury, and 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
Lawrence Trainor