JAN 1 8 2018

MEMORANDUM FOR: EMILY K. HARGROVE
                          Acting 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-45-██████   **Deceased:** ████████████

Date of Incident: October 2, 2017   **Date of Death:** October 2, 2017

Operator: Richmond Sand & Stone LLC   **Mine:** Richmond Sand & Stone
                                                           MSHA ID 37-00156

Autopsy Conducted: Yes   **Death Certificate Filed:** October 17, 2017

**Autopsy Report Received
by MSHA:** December 4, 2017   **Death Certificate Received by
                                      MSHA:** December 26, 2017

Decision: Not Chargeable

I reviewed the investigative report in the death of ████████████ and determined it should not be charged to the mining industry. Mr. ████, a 58-year-old excavator operator, was observed slumped over the controls of the operator cab. A miner performed cardiopulmonary resuscitation, and emergency medical workers arrived and continued resuscitation efforts. Mr. ████ was transported by ambulance to the hospital, but could not be revived and was pronounced dead within minutes of arrival.

Both the autopsy report and death certificate state that the manner of death was natural, and that the immediate cause of death was atherosclerotic cardiovascular disease. The autopsy report lists "status post sigmoid colon resection" as a significant condition that contributed to the death. The MSHA investigative report states that Mr. ████ was not assigned any work tasks that required strenuous effort, 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. ███ 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