

U.S. Department of Labor

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



FEB 07 2018

MEMORANDUM FOR: EMILY K. HARGROVE
Acting 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-47-[REDACTED]	Deceased: [REDACTED]
Date of Incident: December 6, 2017	Date of Death: December 12, 2017
Operator: Four Corners Materials	Mine: CO Crusher Mine ID 05-03178
Contractor: N/A	
Autopsy Conducted: No	Death Certificate Filed: December 15, 2017
Decision: Not Chargeable	Death Certificate Received by MSHA: January 19, 2018

I reviewed the investigative report in the death of [REDACTED], a 51-year-old laborer, and determined it should not be charged to the mining industry. On the day of the incident, Mr. [REDACTED] was performing material handling duties when the mine foreman observed him kneeling and in distress next to his skid steer. The foreman left briefly to instruct the plant operator to shut down the plant, and upon returning found Mr. [REDACTED] unconscious on the ground. Mr. [REDACTED] was transported to a regional medical for evaluation, and flown later that day to a different hospital for emergency brain surgery after tests indicated an aneurysm. Mr. [REDACTED] died in the hospital on December 12, 2017 after a decision was made to terminate life support.

The death certificate states that the manner of death was natural. A ruptured brain aneurysm is listed as the immediate cause of death and acute respiratory failure as the underlying cause of death. The MSHA investigation did not reveal any environmental or physical factors that contributed to the death.

Based on the 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