

U.S. Department of Labor

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



MAR 21 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.: 2018-M-01- [REDACTED]

Deceased: [REDACTED] [REDACTED]

Date of Incident: January 3, 2018

Date of Death: January 3, 2018

Operator: Big Horse Aggregates

Mine: Cabbage Grove
Mine ID 08-00089

Contractor: N/A

Date of Autopsy: January 4, 2018

Death Certificate Filed: January 12,
2018

**Date Autopsy Provided to
Committee Chair:** March 5, 2018

**Death Certificate Received by
MSHA:** February 1, 2018

Decision: Not Chargeable

I reviewed the investigative report in the death of [REDACTED], a 78-year-old haul truck driver, and determined it should not be charged to the mining industry. On the day of the incident inclement weather caused the mine manager to send the miners home. As Mr. [REDACTED] attempted to leave the mine in his personally owned vehicle, he discovered the transmission would not engage. Mr. [REDACTED] called a tow truck and during the towing process he attempted to crawl under the vehicle to engage the transmission linkage bolt. However, because the engine was still running, when Mr. [REDACTED] turned the linkage bolt he simultaneously engaged the transmission. The vehicle then went into reverse — pinning Mr. [REDACTED] under the front left tire and dragging him several feet. The tow truck operator provided assistance and called 911. An ambulance arrived a short time later, transporting Mr. [REDACTED] to the hospital where he received treatment and a blood transfusion. However, he was pronounced dead at the hospital.

The death certificate states that the manner of death is accidental. The cause of death listed in the autopsy and the death certificate is crushing chest and liver trauma. The MSHA investigation did not reveal any environmental or physical factors that contributed to the death.

Based on the autopsy, 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