

U.S. Department of Labor

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



JUN 29 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: 2018-M-07 [REDACTED]

Deceased: [REDACTED] [REDACTED]

Date of Incident: January 12, 2018

Date of Death: January 12, 2018

Operator: Dickie Carr Sand & Gravel Inc.

Mine: Carr Sand Pit Properties LLC
Mine ID 41-03532

Contractor: N/A

Autopsy Conducted: No

Death Certificate Issued: Not
obtained. See narrative below.

Decision: Not Chargeable

I reviewed the investigative report in the death of [REDACTED] [REDACTED] and determined it should not be charged to the mining industry. Mr. [REDACTED], a 25-year-old dredge operator, was discovered by a miner face down on the deck of a dredge. The dredge was pulled ashore and Mr. [REDACTED] was found unresponsive without a pulse. EMS and the Sheriff's office arrived, however Mr. [REDACTED] was pronounced dead approximately five minutes later by the county medical examiner.

As part of the investigation, MSHA attempted to obtain the death certificate for Mr. [REDACTED]. The MSHA District responsible for the investigation was informed that the death certificate would only be released to a family member or in the case of judicial subpoena. However, the Texas Inspector General Vital Statistics Fraud Unit did provide MSHA with a "verification/validation" document which states the manner of death was natural, and the cause of death was "sudden cardiac death with fibromuscular dysplasia of AVN artery of heart." In addition, the publically available county case record of the medical examiner lists the same cause and manner of death

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for Mr. [REDACTED]. The MSHA investigation did not reveal any environmental or physical conditions that contributed to the death.

Based on the Texas Inspector General Vital Statistics Fraud Unit's verification/validation document, the counties' case record, 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