

**U.S. Department of Labor**

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



SEP 12 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-14-

**Deceased:**

**Date of Incident:** August 2, 2018

**Date of Death:** August 2, 2018

**Operator:** Florida Rock Industries, Inc.

**Mine:** Fort Myers Mine  
Mine ID 08-00991

**Contractor:** Lee Mar Building &  
Construction Corporation  
ID 7TM

**Autopsy Conducted:** Yes (autopsy not  
provided)

**Death Certificate Certified:** August  
7, 2018

**Decision:** Not Chargeable

**Death Certificate Received by**  
**MSHA:** August 23, 2018

I reviewed the investigative report in the death of [REDACTED] and determined it should not be charged to the mining industry. Mr. [REDACTED], age 64, was a contract miner who performed various mining tasks. After his shift had ended, Mr. [REDACTED] wife became concerned because she could not locate him and he had not answered his phone. She contacted the office clerk who in turn notified another contract miner. This miner returned to the mine and found Mr. [REDACTED] at the check-out station lying on the floor. By this time, Mr. [REDACTED]'s son-in-law and wife had also arrived at the mine. Cardiopulmonary resuscitation was performed by the son-in-law, and 911 called by the wife. Emergency response personnel arrived at the mine but Mr. [REDACTED] could not be resuscitated.

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The death certificate lists the manner of death as natural, and states the cause of death as acute thrombosis of the left anterior descending coronary artery as a consequence of atherosclerotic coronary artery disease. An autopsy was performed but not provided, however the death certificate states that autopsy was used to determine the cause of death. The MSHA investigation did not reveal any environmental or physical conditions 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