



DEC 08 2008

MEMORANDUM FOR KEVIN G. STRICKLIN  
Administrator for Coal  
Mine Safety and Health

FROM:

GEORGE M. FESAK *George M. Fesak*  
Director, Program Evaluation and Information Resources

EDWARD P. CLAIR *Edward P. Clair*  
Associate Solicitor for Mine Safety and Health

JEFFREY A. DUNCAN *Jeffrey A. Duncan*  
Director for Educational Policy and Development

MARK E. SKILES *Mark E. Skiles*  
Director of Technical Support

NANCY M. SAHAKIAN, MD *Nancy Sahakian*  
Senior Program Management Consultant, Clinical Operations,  
Federal Occupational Health Service, United States Public  
Health Service

SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: C-2008-30 [REDACTED]

Deceased: [REDACTED]

Date of Incident: 04/21/2008

Date of Death: 04/21/2008

Operator: Night Hawk Coal, LLC

Mine: Red Hawk Mine

Decision: Not Chargeable

In a unanimous decision, the Fatality Review Committee has determined that the death of [REDACTED] should not be charged to the mining industry. MSHA's investigation determined that [REDACTED] was employed as a truck driver at the Red Hawk Mine. On the day of his death, [REDACTED] parked his truck, exited it, and collapsed to the ground. Cardiopulmonary resuscitation was started immediately and an AED was used three times. Resuscitation efforts were continued by the ambulance Emergency Medical Technicians on the way to the hospital where [REDACTED] was pronounced dead. MSHA investigators inspected [REDACTED] truck and found it to be in good condition and did not find any other hazards that could have contributed to his death. The Certificate of Death indicates that the cause of death was myocardial infarction and that the manner of death was natural.

Based on the Certificate of Death and the results of MSHA's investigation, the committee members concluded that [REDACTED] died from natural causes and his death should not be charged to the mining industry.

cc: Richard E. Stickler  
John Pallasch  
Robert M. Friend