

U.S. Department of Labor

Mine Safety and Health Administration
1100 Wilson Boulevard
Arlington, Virginia 22209-3939



JUL 01 2008

MEMORANDUM FOR FELIX A. QUINTANA

Administrator for Metal and
Nonmetal Mine Safety and Health

FROM:

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

ALFRED B. BROOKS *Alfred B. Brooks M.D.*
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Associate Solicitor for Mine Safety and Health

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Director for Educational Policy and Development

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

SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: M-2007-59 [REDACTED]

Deceased: [REDACTED]

Date of Incident: November 19, 2007

Date of Death: November 19, 2007

Operator: Hanson Aggregates

Mine: Bloomsburg Sand and Gravel

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. According to MSHA's investigation, the deceased was found by two mine employees alongside a car parked on mine property. [REDACTED] was a local man who drove his automobile onto

mine property for reasons unknown, where his vehicle became stuck. He was not an employee of the mine and he was not authorized by mine management to be on mine property. The autopsy report lists the cause of death as atherosclerotic cardiovascular disease and manner of death as "Natural." Based on the Autopsy Report and the results of MSHA's investigation, the committee members concluded that [REDACTED] death should not be charged to the mining industry. The deceased was not performing mining related work and was not authorized to be on mine property. In addition, the autopsy determined that the manner of his death was natural.

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