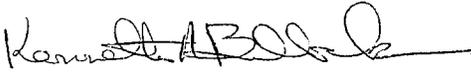


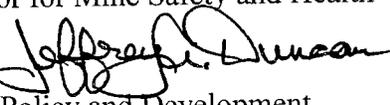


DEC 11 2009

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

FROM: KENNETH A. BULLOCK   
Chief, Program Policy Evaluation Office

HEIDI W. STRASSLER   
Deputy Associate Solicitor for Mine Safety and Health

JEFFREY A. DUNCAN   
Director for Educational Policy and Development

LINDA F. ZEILER   
Acting Director of Technical Support

NANCY M. SAHAKIAN,   
Senior Program Management Consultant, Clinical Operation, Federal  
Occupational Health Service, United States Public Health Service

SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: C-2008-48

Deceased: 

Date of Incident: November 7, 2008

Date of Death: November 7, 2008

Operator: Banner Blue Coal Company

Mine: Apollo Mine

Decision: Not Chargeable

In a unanimous decision, the Fatality Review Committee has determined that the death of [REDACTED] [REDACTED] should not be charged to the mining industry. According to MSHA's investigation, the deceased was found slumped over in a battery-operated mantrip. MSHA's investigation indicated the deceased was not exerting himself. The investigation did not disclose any electrical or environmental hazards. The deceased had reportedly been treated at a local hospital for a heart condition days before the death. The Certificate of Death indicates that the cause of death was "cardiopulmonary arrest – cause unknown." Based on the death certificate 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: Joseph A. Main  
Gregory R. Wagner, M.D.  
Michael A. Davis