



**APR 13 2009**

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

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SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: C-2008-52- [REDACTED]

Deceased: [REDACTED]

Date of Incident: April 21, 2008

Date of Death: April 21, 2008

Operator: Cumberland River Coal  
Company

Mine: Blue Ridge Surface 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. The deceased, a 50 year old bulldozer operator, was found by a co-worker kneeling next to the dozer he was refueling. The Certificate of Death indicated that [REDACTED] died from acute myocardial infarction. MSHA's investigation did not find any mining related or environmental hazards during the course of the subsequent investigation. An autopsy was not performed.

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: Michael A. Davis