



SEP - 4 2009

MEMORANDUM FOR NEAL H. MERRIFIELD

Acting Administrator for Metal and
Nonmetal Mine Safety and Health

FROM:

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SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: 2009-M-07 [REDACTED]

Deceased: [REDACTED]

Date of Incident: February 04, 2009

Date of Death: February 04, 2009

Operator: Clearlake Lava, Inc.

Mine: Clearlake Lava

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 48 year old customer truck driver, was found slumped down between the seats of his truck cab by another driver. The truck was found about 100 feet from the product wet down area. [REDACTED] was unresponsive and could not be revived. The MSHA investigation found no hazards in the wet down rack area and no mechanical defects were found when the truck was inspected. The Autopsy Report and Death Certificate found that [REDACTED] died as a result of Acute Myocardial Ischemia due to Severe Coronary Stenosis.

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

cc: Gregory R. Wagner, M.D.
Michael A. Davis