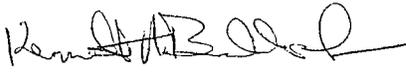




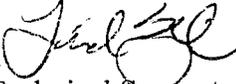
DEC 11 2009

MEMORANDUM FOR NEAL H. MERRIFIELD  
Acting Administrator for Metal and  
Nonmetal 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

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Acting Director of Technical Support

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

SUBJECT: Fatality Review Committee Decision on Chargeability 

**Case No.:** 2009-M-12

**Deceased:** [REDACTED]

**Date of Incident:** February 23, 2009

**Date of Death:** February 23, 2009

**Operator:** Alamo Cement Company Ltd

**Mine:** 1604 Quarry & Plant

**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 worked as a brick layer for ARSI Corp., a contractor providing refractory services. He was found unresponsive in the bed of his pickup. He was pronounced dead at the scene by the county medical examiner. MSHA's investigation found no unusual hazards in or around the work area. An autopsy revealed enlargement of the heart (cardiomegaly), severe obstruction of the coronary arteries with a fresh clot (thrombus) in one of the coronary arteries, and evidence of prior old myocardial infarctions. The Certificate of Death stated that the death was accidental and was due to hypertensive and atherosclerotic coronary vascular disease with methamphetamine toxicity.

Based on the autopsy, death certificate and the results of MSHA's investigation, the committee members concluded that [REDACTED] death should not be charged to the mining industry.

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