



JAN 25 2010

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

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

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

JEFFREY A. DUNCAN *Jeffrey A. Duncan*
Director for Educational Policy and Development

LINDA F. ZEILER *Linda F. Zeiler*
Acting Director of Technical Support

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

SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: C-2008-46

Deceased: [REDACTED]

Date of Incident: September 17, 2008

Date of Death: September 17, 2008

Operator: Mach Mining LLC

Mine: Mach #1 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. According to MSHA's investigation, the deceased was an employee of K.D. Crain & Sons Inc., Construction. The report indicates that the death occurred near the Mach Mining, LLC, Mach #1 underground mine on the surface of an area that was not on the permitted property of the mine.

The deceased was operating a track hoe that caught fire and he tried unsuccessfully to extinguish the fire. He reportedly walked a distance of 100 yards, became fatigued and sat down. He tried to stand up and collapsed. Resuscitation was attempted and an ambulance service was contacted. The deceased was transported to a local hospital where he was pronounced dead. The Certificate of Death indicates myocardial infarction as the cause of death. Fighting a fire was not part of the deceased's normal job duties, and the heart attack appears to be connected to his fire fighting activities.

Supplemental information reported by the MSHA District, indicates there was no connection between the work of the deceased and Mach Mining, LLC, Mach #1 mine. Based on 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