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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*
Acting 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.: 2009-C-42-[REDACTED]

Deceased: [REDACTED]

Date of Incident: August 28, 2009

Date of Death: August 28, 2009

Operator: Alex Energy

Mine: Edwight 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 53 year old end loader operator, was found slumped over the steering wheel of the front end loader he was operating. Although his co-workers acted quickly, [REDACTED] could not be revived. The certificate of death indicates death was caused by sudden cardiac death due to arteriosclerotic cardiovascular disease and the manner of death was natural. MSHA's investigation found no evidence of physical hazards or environmental factors that could have caused death. An investigation by the West Virginia Office of Miners' Health, Safety, and Training also concluded that the death was due to natural causes.

Based on the available medical documentation 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