



FEB 01 2010

MEMORANDUM FOR NEAL H. MERRIFIELD

Acting Administrator for Metal and  
Nonmetal 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  
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-M-24 [REDACTED]

Deceased: [REDACTED]

Date of Incident: May 11, 2009

Date of Death: May 12, 2009

Operator: Kimble Clay and  
Limestone

Mine: Kimble/Stark 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 59 year old truck driver, performed the pre-operational checks of his haul truck and was proceeding to the stone stockyard area when he stopped his truck by the roadway. A co-worker found him slumped over the steering wheel. Emergency treatment was given to [REDACTED] but he died the next morning. The Certificate of Death indicates the cause of death was sudden death due to cardiac arrhythmias and the manner of death was natural. An autopsy was not performed.

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

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