



APR 22 2010

MEMORANDUM FOR NEAL H. MERRIFIELD
Acting Administrator for Metal and
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SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: 2009-M-46-[REDACTED] Deceased: [REDACTED]

Date of Incident: September 08, 2009 Date of Death: September 08, 2009

Operator: Nugent Sand Company, Inc. Mine: Nugent Sand Plant # 1

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. [REDACTED] a dredge operator, failed to respond to radio calls and was found slumped over in the dredge operator's chair. He was pronounced dead at the scene. The MSHA investigation found no physical or environmental issues which may have been factors in his death. Both the autopsy report and the certificate of death concluded that [REDACTED] died as a result of atherosclerotic coronary artery disease and that the manner of death was natural.

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