



AUG 12 2010

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

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SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: 2009-M-55- [REDACTED]

Deceased: [REDACTED]

Date of Incident: April 24, 2010

Date of Death: April 24, 2010

Operator: Pottsville Materials, LLC

Mine: Pottsville Materials, LLC

Contractor: Hazleton Site  
Contractors

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 contractor service man, was found by mine employees next to the excavator he had been lubing. He was unresponsive and emergency medical personnel were unable to revive him. MSHA's investigation did not identify any physical or health hazards that could have contributed to [REDACTED] death and a physical examination found no signs of trauma.

The Certificate of Death stated that the manner of death was natural and that the immediate cause of death was atherosclerotic coronary artery disease with hypertension as the underlying cause of death. An autopsy was not performed. Based on the Coroner's Certificate of Death 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.  
Robert L. Phillips