



JUL - 7 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 *Jeffrey A. Duncan*  
Director for Educational Policy and Development

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

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

SUBJECT:

Fatality Review Committee Decision on Chargeability *Nancy Sahakian*

**Case No.:** 2009-M-56

**Deceased:**

**Date of Incident:** August 23, 2009

**Date of Death:** August 23, 2009

**Operator:** Cemex, Inc.

**Mine:** Kosmos Cement Co.

**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 performing his normal duties as a derrick operator and a barge attendant when he complained of chest pains and indigestion. [REDACTED] quickly became unresponsive after suffering what was determined to be a heart attack. The deceased was taken to a local hospital by ambulance but died later in the day.

The Coroner's Investigative Report indicated that [REDACTED] death was due to probable acute myocardial infarction. It was also noted that the deceased was an overweight, heavy drinker with a history of hypertension, elevated cholesterol, and a previous angioplasty in 2008. The area around the work site was examined as were the tools and equipment used by [REDACTED]. No hazards were found. No evidence of traumatic injury or foul play was discovered.

Based on the Coroner's Investigative 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.