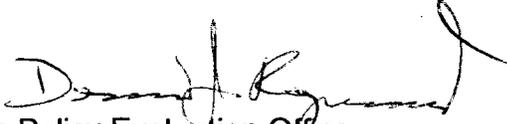


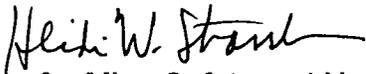


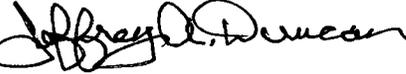
AUG 29 2011

MEMORANDUM FOR KEVIN G. STRICKLIN
Administrator for Coal
Mine Safety and Health

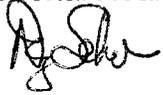
FROM:

DENNIS RAYMOND 
Acting Chief, Program Policy Evaluation Office

HEIDI W. STRASSLER 
Deputy Associate Solicitor for Mine Safety and Health

JEFFREY A. DUNCAN 
Director for Educational Policy and Development

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Acting Director of Technical Support

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

SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: 2011-C-17 

Deceased: 

Date of Incident: June 06, 2011

Date of Death: June 06, 2011

Operator: Humphreys Enterprises,
Inc.

Mine: No. 5 Strip

Contractor: Presley Trucking I, LLC.

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 71 year old contractor truck driver, was operating a loaded Mack tandem coal truck when it overturned onto the outer berm of the roadway. The deceased did not respond to efforts made to resuscitate him.

The truck was used on the shift prior to the accident with no issues reported. [REDACTED] hauled one load of coal earlier in the day without incident. The MSHA accident investigators determined that there was no evidence at the accident site to show that the truck's brakes were applied and there were no skid marks on the gravel roadway. The runaway escape ramp was not used and the road was in well graveled condition. Investigators did not find any environmental or physical factors that contributed to the death.

MSHA's investigation noted that [REDACTED] had a history of cardiac problems and a witness saw him slumped over or laying his head on the steering wheel of his truck earlier in the morning. The death certificate indicated that the death was natural and was due to a cardiac arrhythmia due to a myocardial infarction which in turn was due to coronary artery atherosclerosis.

Based on the results of MSHA's investigation and the finding of the death certificate, 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.
Patricia W. Silvey