



MAR 28 2011

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

FROM:

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SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: 2010-M-01 [REDACTED]

Deceased: [REDACTED]

Date of Incident: January 06, 2010

Date of Death: January 09, 2010

Operator: Smithco Enterprises, Inc.

Mine: Bobbitt Silica

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 dozer operator, was heading down to park his equipment at the end of his shift when a co-worker noticed the dozer was on the slope but not moving. [REDACTED] was found conscious but unable to move.

Emergency medical personnel determined that [REDACTED] had suffered a stroke. He was transported by air lift to a medical center in the area. Initially, his condition was stable but a CAT scan several days later found severe swelling on the left side of his brain. He died soon after. The certificate of death revealed that the death was from natural causes and listed respiratory failure, brain herniation, massive left hemisphere stroke, and atrial fibrillation as the causes. No autopsy was performed.

No physical or environmental factors were found that might have contributed to his death. Based on the death certificate and the MSHA investigation, the committee members concluded that [REDACTED] died as a result of 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