

U.S. Department of Labor

Mine Safety and Health Administration
1100 Wilson Boulevard
Arlington, Virginia 22209-3939



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-05 [REDACTED]

Deceased: [REDACTED]

Date of Incident: February 23, 2010

Date of Death: February 23, 2010

Operator: Brenda Kay Sand, LLC

Mine: Brenda Kay Sand, 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 customer truck driver, moved his truck off the mine scales after receiving a load of sand and parked nearby. He climbed in the trailer to dust off loose material with a whisk broom when he lost consciousness. Mine employees began CPR and an ambulance transported him to a local hospital where he was pronounced dead. [REDACTED] was performing his usual duties as a customer truck driver. No evidence of physical or environmental factors contributing to his death were found.

The deceased had a history of diabetes, elevated cholesterol, and hypertension. The death certificate indicated that the manner of death was natural and that the cause of death was an acute myocardial infarction. An autopsy was not performed.

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