



SEP 09 2011

MEMORANDUM FOR NEAL H. MERRIFIELD
Administrator for Metal and
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FROM:

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SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: 2010-M-40- [REDACTED]

Deceased: [REDACTED]

Date of Incident: December 23,
2010

Date of Death: December 23, 2010

Operator: Red Rock Cinder
Company

Mine: Dukes Peak

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 49 year old mine owner/operator, was loading a truck with a front-end-loader when he was found by a neighboring operator slumped over in the cab. CPR was begun and paramedics were summoned. [REDACTED] was taken to a local hospital where he was pronounced dead.

The autopsy report and death certificate indicated that the cause of death was pulmonary thromboemboli due to deep vein thrombosis (a blood clot). The death certificate indicated that the manner of death was natural. The victim had a recent history of back pain, abdominal pain, and coughing. He was treated at the local emergency medical department 3 days prior to his death for bronchitis and severe back pain.

Based on the findings of the autopsy report and 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