

MEMORANDUM FOR FELIX A. QUINTANA
Administrator for Metal and Nonmetal
Mine Safety and Health

FROM: GEORGE M. FESAK *George M. Fesak*
Chairman, MSHA's Fatality Review Committee

SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: M-2007-14

Date of accident: 01/09/2007

Date of death: 01/09/2007

Mine: Bath Mine & Mill

Operating Co.: Dixie Clay Company

Decision: Non-chargeable

In a unanimous decision, the Fatality Review Committee has determined that the death of the decedent should not be charged to the mining industry. The committee members felt that the certificate of death finding that the deceased suffered a "Sudden Cardiac Event" was indicative of a natural causes related incident. The committee felt that his activity at the time at the time of his death was not a determining factor. A customer truck driver, the decedent had been waiting in his vehicle for several hours for his truck to be loaded.

cc: Richard E. Stickler
John Pallasch
Robert M. Friend