



MAR 12 2008

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

FROM: GEORGE M. FESAK *George M. Fesak*
Director, Program Evaluation and Information Resources
Chairman, MSHA Fatality Review Committee

EDWARD P. CLAIR *Edward P. Clair*
Associate Solicitor for Mine Safety and Health
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Director, Educational Policy and Development
Member, MSHA Fatality Review Committee

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for Director, Technical Support
Member, MSHA Fatality Review Committee

SUBJECT: Fatality Review Committee Decision on Chargeability

Deceased: [REDACTED] Case No.: M-2007-39

Date of Incident: August 22, 2007 Date of Death: August 22, 2007

Operator: APAC-KS, Inc., Shears Mine: Quartzite Quarry
Division

Decision: Not Chargeable

In a unanimous decision, the MSHA Fatality Review Committee has determined that the death of [REDACTED] should not be charged to the mining industry. The MSHA investigation determined that [REDACTED], a 44-year old quarry worker, was

performing normal work activities at the mine site without any indication of undue physical exertion. The Autopsy Report indicates that the cause of death was natural and that death was a result of "coronary atherosclerosis, focal, with high-grade stenosis, plaque rupture and superimposed thrombosis of proximal left anterior descending coronary artery." Based on the Autopsy Report, the committee members concluded that [REDACTED] died from natural causes and his death should not be charged to the mining industry.

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