

U.S. Department of Labor

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



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

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Director, Educational Policy and Development  
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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-2007-43
Date of Incident: March 09, 2007	Date of Death: March 09, 2007
Operator: Round Mountain Gold Corporation	Mine: Smokey Valley Common Operations
Contractor: Schmueser & Associates	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 deceased, a 50-year old contractor employee, was guiding a forklift operator as he was

moving equipment at the completion of the job. When the forklift operator returned from moving a box, he found [REDACTED] lying on the ground unconscious. The autopsy report indicated that [REDACTED] died of "cardiomegaly associated with hypertensive cardiovascular disease and aortic and mitral valve incompetence (dystrophic calcification)." 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