



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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Associate Solicitor for MSHA
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Member, MSHA Fatality Review Committee

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Director, Technical Support
Member, MSHA Fatality Review Committee

SUBJECT: Fatality Review Committee Decision on Chargeability

Deceased: [REDACTED] Case No.: M-2007-45

Date of Incident: June 28, 2007 Date of Death: June 28, 2007

Operator: Wake Stone Corporation Mine: Knightdale Quarry
RAE Construction Services
(Customer)

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 was a 56-year old customer truck driver. [REDACTED] arrived at the mine loading area at 6:25 am. At 6:40 am, two mine employees found [REDACTED] lying beside his truck,

unresponsive. The North Carolina Certificate of Death lists the cause of death as "cardiac arrest." Based on the Death Certificate, the committee members concluded that [REDACTED] died of natural causes and his death should not be charged to the mining industry.

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