



SEP 20 2010

MEMORANDUM FOR NEAL H. MERRIFIELD
Acting Administrator for Metal and
Nonmetal Mine Safety and Health

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SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: 2009-M-58- [REDACTED]

Deceased: [REDACTED]

Date of Incident: July 21, 2009

Date of Death: July 21, 2009

Operator: Vulcan Construction
Materials, L.P.

Mine: Kingsport Quarry

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. According to MSHA's investigation, the deceased and his mother were visiting a home located near a local quarry. The child apparently wandered away from the yard into a wooded area. He climbed through the barbed wire fence at the edge of the property and fell from a 240 foot highwall. The highwall was located on the north side of the property. The walls had existed for several years and were the mining limits to the north. No further mining is planned in this area of the quarry. The location where the deceased was found was approximately ¾ of a mile from where he was last seen. The barbed wire fence extended along the north wall of the property and "No Trespassing" signs were posted. The autopsy report and death certificate found that [REDACTED] died as a result of multiple blunt force injuries consistent with a fall from a height. The cause of death was determined to be accidental.

The deceased was not involved in mining related activity at the time of his death and he was not authorized to be on the mine site. The committee members concluded that [REDACTED] was a trespasser on mine property and that his death should not be charged to the mining industry.

cc: Joseph A. Main
Gregory R. Wagner, M.D.
Robert L. Phillips