



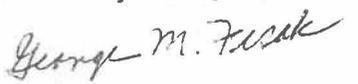
DEC 20 2012

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

FROM:

JEFFREY A. DUNCAN 
Committee Chair
Director for Educational Policy and Development

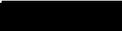
HEIDI W. STRASSLER 
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Senior Program Management Consultant, Clinical Operations, Federal
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BRENT A. CARPENTER 
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SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: 2011-M-38 

Deceased: 

Date of Incident: July 21, 2011

Date of Death: July 21, 2011

Operator: Florida Rock Industries,
Inc.

Mine: Fort Pierce Mine

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. [REDACTED] a 51 year old customer truck driver, was driving his truck to the scale house when it slowly veered to the right. The truck overturned in a canal filled with four feet of water. The deceased made no attempt to stop the truck. A co-worker pulled him from the water. He was not wearing a seat belt.

[REDACTED] had a history of seizures and was on an anti-seizure medication. The death certificate and autopsy report both indicated that the cause of death was drowning. The toxicology screen was negative. An opinion by committee's Medical Doctor found that the likely cause of death was a seizure resulting in loss of consciousness and an accidental drowning.

Based on MSHA's investigation and the findings of an expert medical opinion, the committee members concluded that the vehicle accident which caused the drowning death of [REDACTED] should not be charged to the mining industry.

cc: Joseph A. Main
Stephen R. Weatherford
Patricia W. Silvey