

U.S. Department of Labor

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



NOV 05 2012

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

FROM:

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SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: 2011-M-50 [REDACTED]

Deceased: [REDACTED]

Date of Incident: November 11, 2011

Date of Death: November 11, 2011

Operator: Con-Agg of MO LLC.

Mine: Boone Quarries-East

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 17 year old trespasser, breached a fence separating a local park from a stone quarry and fell over the highwall. The deceased entered the mine site in an attempt to elude police called to a nearby park to investigate a report of underage drinking.

Both the death certificate and the autopsy report indicated that the death was due to blunt trauma to the head, trunk and extremities secondary to a fall. The toxicology screen indicated the presence of alcohol and cannabinoids. The fence was adequately posted with "No Trespassing" signs every 50 feet. It appears that the deceased accidentally fell into the pit as nightfall approached.

The MSHA investigation found that [REDACTED] was not authorized to be on mine property. It was determined that the deceased was not performing mine related work activity and that his death was not caused by mining activity or equipment. The committee members concluded that his death should not be charged to the mining industry.

cc: Joseph A. Main
Patricia W. Silvey