

**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:

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

HEIDI W. STRASSLER   
Associate Solicitor for Mine Safety and Health


for

GEORGE TRIEBSCH   
Acting Director of Technical Support

NANCY M. SAHAKIAN, M.D.   
Senior Program Management Consultant, Clinical Operations,  
Federal Occupational Health Service, United States Public  
Health Service

BRENT A. CARPENTER   
Chief, Office Program Policy Evaluation

SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: 2011-M-54 

Deceased: 

Date of Incident: August 03, 2011

Date of Death: August 03, 2011

Operator: Cemex Construction  
Materials of Florida, LLC.

Mine: S C L Quarry

Decision: Not chargeable

In a unanimous decision, the Fatality Review Committee has determined that the death of an unknown trespasser should not be charged to the mining industry. The deceased was found by mine employees in a burning van. The body of the unknown person was burned beyond recognition. After all of the mine employees were accounted for the operator concluded that the deceased was not a miner. The investigation found that the vehicle accessed the property from a power company road adjacent to the mine property.

After the vehicle fire was extinguished the deceased was transported to the coroner's office. A positive identification has not been made and the final cause of death has not been determined. The incident is being investigated as a possible homicide or suicide. MSHA has not received a death certificate or autopsy report.

The deceased is presumed not to be a miner or contractor and was not authorized to be on the mine site. The committee members concluded that his death should not be charged to the mining industry.

cc: Joseph A. Main  
Patricia W. Silvey