



DEC 19 2013

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.: 2012-M-35-[REDACTED]

Deceased: [REDACTED]

Date of Incident: October 02, 2012

Date of Death: October 02, 2012

Operator: P W Gillibrand Company

Mine: Canyon Rock Plant

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 65 year old actor, was found cold and pulseless in his car by a haul truck driver. His vehicle was stuck on top of a small berm at the edge of an overburden area. He was declared dead at the scene.

The medical examiner found that the manner of death was natural and that the cause of death was atherosclerotic hypertensive cardiovascular disease. The toxicology report found cannabinoids present and this was determined to be a contributing condition to the death. The deceased was not a mine employee or contractor. The MSHA investigation found that [REDACTED] was working at a movie set next to the mine. Several unblocked access roads connected the movie site with the quarry and apparently he accidentally took a wrong turn and drove onto the mine property.

Based on the findings of the medical examiner and the MSHA investigation, the committee members concluded that [REDACTED] was a mine trespasser and that his death should not be charged to the mining industry.

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