

U.S. Department of Labor

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



DEC 19 2013 9 2013

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

FROM:

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

HEIDI W. STRASSLER *Heidi W. Strassler*
Associate Solicitor for Mine Safety and Health

GEORGE M. FESAK *George M. Fesak*
Director of Technical Support

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

ANGELICA HACKNEY *Angelica Hackney*
Chief, Office of Program Policy Evaluation

SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: 2012-M-42 [REDACTED]

Deceased: [REDACTED]

Date of Incident: November 18, 2012

Date of Death: November 18, 2012

Operator: Hanson Aggregates
Southeast, LLC.

Mine: Raleigh 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. [REDACTED], a 72 year old trespasser, was reported missing from a nearby senior apartment complex. Her body was discovered by a group of teenage trespassers later the same day.

[REDACTED] had a known history of dementia. It appears likely that she became lost, trespassed onto posted mine property and then had a cardiac event. The autopsy report indicated that the cause of death was cardiomegaly with left ventricular hypertrophy. [REDACTED] had no association with the mining operation and was not authorized to be on the mine site.

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

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