

**U.S. Department of Labor**

Mine Safety and Health Administration  
201 12th Street South  
Arlington, Virginia 22202-5452



FEB 12 2016

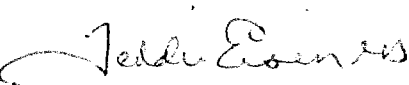
MEMORANDUM FOR NEAL H. MERRIFIELD  
Administrator for Metal and  
Nonmetal Mine Safety and Health

FROM:

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


HEIDI W. STRASSLER   
Associate Solicitor for Mine Safety and Health

WILLIAM J. FRANCAERT   
Acting Director of Technical Support

TEDDI F. EISEN, M.D., FACOEM   
Reviewing Medical Officer, Contractor  
Federal Occupational Health  
Program Support Center  
U.S. Department of Health & Human Services

SYED HAFEEZ   
Director, Program Evaluation and Information

SUBJECT: Chargeability Review Committee Decision

**Case No.:** 2015-M-22-

**Deceased:** 

**Operator:** Calmat Co.

**Mine:** Pleasanton Plant

**Date of Incident:** February 17, 2015

**Date of Death:** February 17, 2015

**Coroner Report Issued:** February 18, 2015

**Death Certificate Released:** August 20, 2015

**Decision:** Not chargeable

In a unanimous decision, the Chargeability Review Committee has determined that the death of [REDACTED] should not be charged to the mining industry. Mr. [REDACTED], a 30-year old trespasser, apparently intentionally drove his vehicle into a settling pond on the mine site. A passenger escaped from the vehicle unharmed, and sought help from miners working in the area. Miners assisted in excavating the vehicle from the pond, however Mr. [REDACTED] was pronounced dead at scene by paramedics.

Alameda County Sheriff deputies and detectives conducted a detailed investigation beginning on February 17, 2015 and concluded with supplemental information on April 7, 2015. Their investigation concluded that Mr. [REDACTED] drove onto mine property and committed suicide. The Alameda County Coroner conducted an autopsy on February 18, 2015 and listed the manner of death as suicide and the immediate cause of death as asphyxiation due to drowning.

The death certificate, which was not released until August 20, 2015, also stated that the immediate cause of death was asphyxiation due to drowning, and that Mr. [REDACTED] drove his vehicle into a body of water.

An MSHA investigation was conducted between February 17, 2015 and February 18, 2015. It determined that Mr. [REDACTED] was trespassing on mine property, and his death was not caused by mining related activities or equipment.

Based on these findings, the Committee members concluded that Mr. [REDACTED] death should not be charged to the mining industry.

cc: Joseph A. Main  
Patricia W. Silvey  
Laura V. McClintock