



JUN 02 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 M. Sahakian*
Senior Program Management Consultant, Clinical Operations,
Federal Occupational Health Service, United States Public
Health Service

DENNIS RAYMOND *Dennis J. Raymond*
Acting Chief, Office of Program Policy Evaluation

SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: 2012-M-23 [REDACTED]

Deceased: [REDACTED]

Date of Incident: August 11, 2012

Date of Death: August 11, 2012

Operator: Vulcan Construction
Materials, L.P.

Mine: Racine 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 22 year old trespasser, gained access to the mine site by climbing over a 7-foot chain-linked fence. Her body was discovered in a water retention pond at the base of the highwall. According to the police report, [REDACTED] either slipped or jumped some 200 feet from the quarry highwall.

Both the medical examiner's report and the autopsy report indicated that the cause of death was multiple blunt force traumatic injuries due to a fall from a great height. The manner of death was listed as suicide. The MSHA investigation found that [REDACTED] was not employed by the mine operator or by a mine contractor and that she had a history of depression.

Based on the findings of the medical documentation, the MSHA investigation and the police report, the committee members concluded that the death of [REDACTED] should not be charged to the mining industry.

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