

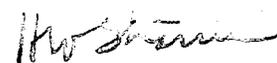


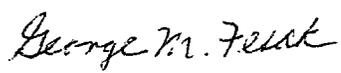
DEC 19 2013

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

GEORGE M. FESAK 
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Senior Program Management Consultant, Clinical Operations,
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ANGELICA HACKNEY 
Chief, Office of Program Policy Evaluation

SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: 2012-M-32-

Deceased: 

Date of Incident: November 17, 2012

Date of Death: November 20, 2012
(Body Discovered)

Operator: Hanson Aggregates
Midwest, LLC.

Mine: Flemingsburg 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 15 year old trespasser, was hunting with his father on mine property. He did not return out of the woods at nightfall and was discovered 3 days later at the bottom of a highwall in a pile of over-sized stone.

The death certificate indicated that the manner of death was an accident. Both the death certificate and autopsy report indicated that the cause of death was multiple blunt force injuries due to a fall from height. The toxicology screen was negative. The MSHA investigation found that [REDACTED] was not authorized to be on mine property and that he had no association with the mining operation.

Based on the findings of the death certificate, the autopsy report 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