



OCT 14 2008

MEMORANDUM FOR FELIX A. QUINTANA

Administrator for Metal and  
Nonmetal Mine Safety and Health

FROM:

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SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: M-2008-18 [REDACTED]

Deceased: [REDACTED]

Date of Incident: May 11, 2008

Date of Death: May 11, 2008

Operator: Holcim (US), Inc.

Mine: Holcim (US), Inc.

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. MSHA's investigation revealed that [REDACTED] and several acquaintances were trespassing on the property of the Holcim (US) Inc. mine in Catskill, New York. The group had set up a campsite on mine property about 75 to 80 feet from the edge of an abandoned, water-filled quarry. At approximately 2:00 am, [REDACTED] walked away from the campsite.

When he did not return, a search was begun and his body was recovered the following day about 10 feet from the edge of the abandoned quarry in about 25 feet of water. The entrance road accessing the area was posted with no-trespassing signs and blocked against entry with a chained and locked metal gate. The Death Certificate which was supported by autopsy indicates that the manner of death was accident and the immediate cause of death was drowning.

The members of the committee determined that this death should not be charged to the mining industry because the deceased was trespassing on mine property and was not involved in mining related activity at the time of his death.

cc: Richard E. Stickler  
John Pallasch  
Robert M. Friend