



DEC 19 2013

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

FROM:

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SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: 2012-M-31-[REDACTED]

Deceased: [REDACTED]

Date of Incident: October 16, 2012

Date of Death: October 16, 2012

Operator: Vulcan Construction
Materials, L.P.

Mine: Puddledock Sand & Gravel

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 12 year old trespasser, was sitting on the edge of a water impoundment when he slid into the pond and drowned. He did not know how to swim. Two companions jumped into the water but were unable to rescue him.

The death certificate indicated that the manner of death was accidental. Both the death certificate and autopsy report indicated that the cause of death was drowning. 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