



DEC 01 2014

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

FROM:

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Chief, Office of Program Policy Evaluation

SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: 2014-M-03-[REDACTED]

Deceased: [REDACTED]

Date of Incident: February 02, 2014

Date of Death: February 02, 2014

Operator: Ward Sand & Materials
Co.

Mine: Ward Sand & Materials 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 25 year old trespasser, was riding his ATV across a frozen pond at the mine and fell through the ice. His companions reported that he struggled for several minutes to get out of the water but was not able to do so. His body was recovered three days later.

The medical examiner's report and death certificate indicated that the manner of death was accidental and that the cause of death was drowning and hypothermia. The toxicology report found an elevated blood alcohol concentration. The MSHA investigation found that the deceased was trespassing on mine property during a period when the mine was closed and no mine employees were present.

Based on the death certificate, the medical examiner's report and the MSHA investigation, the committee members concluded that [REDACTED] was a trespasser on mine property and that his death should not be charged to the mining industry.

cc: Joseph A. Main
Patricia W. Silvey
Douglas L. Parker