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

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SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: 2009-M-29 [REDACTED]

Deceased: [REDACTED]

Date of Incident: June 19, 2009

Date of Death: June 20, 2009

Operator: Northridge Sand, LLC.

Mine: Northridge Sand, LLC.

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. The [REDACTED] died when he fell from the dredge discharge pipe and fell into the water. The deceased was the son of the landowner and lived in a house adjacent to the mine. Although he often mowed the property, the mine was closed at the time of the accident and no miners were on the property. He was not involved in any mining related activity but was swimming with a friend. He had been drinking alcohol prior to the accident. The death certificate indicated the death was accidental and was due to hypoxic encephalopathy secondary to near drowning. The autopsy showed an injury to the cervical spine and a brain hemorrhage and abrasions of the forehead. The cause of death was listed as hypoxic encephalopathy due to near drowning with a fracture of the cervical spine as a contributing cause. His ethanol blood level was 0.19 gm% consistent with intoxication.

Based on the death certificate, the autopsy report and the results of MSHA's investigation, the Fatality Review Committee members concluded that [REDACTED] death was accidental and was not related to mining activity. The committee determined that his death should not be charged to the mining industry.

cc: Joseph A. Main  
Gregory R. Wagner, MD.  
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