



AUG 01 2012

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.: 2011-M-42

Deceased:

Date of Incident: July 11, 2011

Date of Death: July 11, 2011

Operator: CEMEX Construction
Material South, LLC.

Mine: CEMEX-19th Avenue Pit

Decision: Not chargeable

In a unanimous decision, the Fatality Review Committee has determined that the death of _____ should not be charged to the mining industry. _____ a 53 year old trespasser, was found floating face down in a pond located on the southwest corner of the mine property. The body was reported to scale house personnel by a passerby.

The autopsy report indicated that the body was decomposed and that there was no evidence of trauma. The exact cause and manner of death could not be determined. The toxicology screen was positive for alcohol and several prescription medications. The cause of death is being investigated and was thought to be homicide or suicide.

The MSHA investigation found that _____ was not a mine employee or contractor and was not authorized to be on mine property. The deceased was not performing mine-related work nor was his death due to mining activity or equipment. The committee members determined that the death of _____ should not be charged to the mining industry.

cc: Joseph A. Main
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