

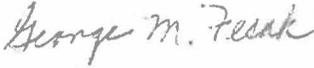


DEC 20 2012

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

FROM: JEFFREY A. DUNCAN   
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SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: 2012-M-08- Deceased: 

Date of Incident: May 16, 2012 Date of Death: May 16, 2012

Operator: Concrete Nor'West Mine: Butler Pit

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 16 year old trespasser, drowned while swimming with four companions in a mine dredge pond. He was swimming across the pond and had trouble breathing. He called to his friends but slipped below the surface of the water and did not come up.

The autopsy report stated that the manner of death was accidental and attributed the death to fresh water drowning. Arrhythmia caused by mild chronic heart enlargement was listed as a potential contributing factor.

The committee members concluded that the deceased was not performing mine related work activities nor was his death caused by mining activities or equipment. The committee determined that [REDACTED] was not authorized to be on the mine property and that his death should not be charged to the mining industry.

cc: Joseph A. Main  
Patricia W. Silvey  
Stephen R. Weatherford