

U.S. Department of Labor

Mine Safety and Health Administration
1100 Wilson Boulevard
Arlington, Virginia 22209-3939



MAR 27 2013

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

FROM:

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Acting Chief, Office of Program Policy Evaluation

SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: 2012-M-14

Deceased:

Date of Incident: February 24, 2012

Date of Death: February 24, 2012

Operator: GP Material, Inc.

Mine: Alby 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 36 year old trespasser, climbed the fence surrounding the mine and fell approximately 150 feet to a ledge in the quarry. His body was discovered by law enforcement officers in response to a missing person report.

The death certificate and autopsy report indicated that the death was due to extensive visceral and skeletal injuries. The death certificate indicated that the manner of death was accidental. The MSHA investigation found that [redacted] had a known history of autism and that he was fascinated by the large machinery at the quarry.

Based on the findings of the death certificate, the autopsy report and the MSHA investigation, the committee members concluded that the death of [redacted] should not be charged to the mining industry.

cc: Joseph A. Main
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