

U.S. Department of Labor

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

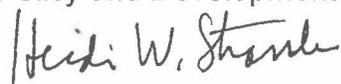


MAR 27 2013

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

FROM:

JEFFREY A. DUNCAN   
Committee Chair  
Director for Educational Policy and Development

HEIDI W. STRASSLER   
Associate Solicitor for Mine Safety and Health

GEORGE M. FESAK   
Director of Technical Support

NANCY M. SAHAKIAN, M.D.   
Senior Program Management Consultant, Clinical Operations, Federal  
Occupational Health Service, United States Public Health Service

BRIAN P. GOEPFERT   
Acting Chief, Office of Program Policy Evaluation

SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: 2012-M-16-

Deceased: 

Date of Incident: September 01, 2012

Date of Death: September 01, 2012

Operator: National Cement Company  
of Alabama, Inc.

Mine: National Cement Company

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, entered the mine property with two friends to swim in a pond in the old quarry. He jumped from a 42 foot ledge into the pond and did not resurface. His friends indicated that he had been drinking alcohol prior to the incident.

The death certificate indicated that the manner of death was accidental and that the cause of death was drowning. The MSHA investigation found that the deceased was not employed by the mine operator, that he had no relationship with the mining operation and that he was trespassing on mine property.

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

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