

MEMORANDUM FOR FELIX A. QUINTANA  
Administrator for Metal and Nonmetal  
Mine Safety and Health

FROM: GEORGE M. FESAK *George M. Fesak*  
Chairman, MSHA's Fatality Review Committee

SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: M-2007-27

Date of accident: February 04, 2007      Date of death: March 14, 2007

Mine: North Indianapolis Quarry and Mill

Operating Co.: Martin Marietta Materials, Inc.

Decision: Non-chargeable

In a unanimous decision the Fatality Review Committee has determined that the death of the decedent should be non-chargeable to the mining industry. The decedent, a trespasser, had rolled his vehicle in a remote area of the property and was not found until 38 days later. The certificate of death indicated that the decedent succumbed to "hypothermia and exposure." Since the decedent was a non-employee the committee felt this case should not be chargeable.

cc: Richard E. Stickler  
John Pallasch  
Robert M. Friend