



FEB 01 2010

MEMORANDUM FOR NEAL H. MERRIFIELD

Acting Administrator for Metal and
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FROM:

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SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: 2009-M-26 [REDACTED]

Deceased: [REDACTED]

Date of Incident: May 25, 2009

Date of Death: May 25, 2009

Operator: CalMat Co.

Mine: Corona Plant

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. The deceased was a 31 year old trespasser who had descended down the highwall using ground support cables and cable mesh anchored to the wall before falling 45 feet to the ground. He used his cell phone to call for help. By the time he could be reached by rescue teams he was dead. ██████ was not a mine employee and was not authorized to be on the property. The death certificate indicates multiple blunt impact injuries to be the cause of death. The death appears to be accidental.

Based on the death certificate and the results of the investigations conducted by MSHA and the local police department, the Fatality Review Committee members concluded that ██████ death was accidental and was not related to mining activity. The committee determined that his death should not be charged to the mining industry.

cc: Joseph A. Main
Gregory R. Wagner, MD.
Michael A. Davis