



AUG 26 2011

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

FROM:

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SUBJECT: Fatality Review Committee Decision on Chargeability

Case No.: 2009-M-47- [REDACTED]

Deceased: [REDACTED]

Date of Incident: July 28, 2009

Date of Death: July 28, 2009

Operator: Edison Quarry, Inc.

Mine: Edison Quarry & Plant

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 21 year old non-employee, fell from a quarry highwall to a depth of 200 feet. The deceased was attending a birthday party at a vacant house on the mine property. The home was owned by the mine operator and his son was in attendance. The operator was aware of the gathering.

[REDACTED] apparently crossed a road in front of the home and after traveling along the perimeter of the highwall, slipped and fell over the edge. The highwall was 40 feet from the house and was not posted or fenced. The deceased was last seen at approximately 1:30 a.m. The autopsy report found that [REDACTED] died as a result of multiple injuries caused by the fall.

Toxicology tests revealed a blood alcohol level of 0.2367%. Evidence was not found that the incident was either a homicide or suicide. The investigation concluded that the level of inebriation in combination with the unmarked and unfenced highwall led to this accidental death.

The committee members noted that the deceased was not a mine employee and was not engaged in mining related activity at the time of his death. The committee determined that the death should not be charged to the mining industry.

cc: Joseph A. Main
Gregory R. Wagner, M.D.
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