



AUG 24 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.: 2010-M-18-

Deceased:

Date of Incident: June 28, 2010

Date of Death: June 28, 2010

Operator: Vulcan Construction
Materials, L.P.

Mine: Cleveland Quarry

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.

_____, a 47 year-old trespasser, was found deceased in a pole barn located in a remote area of the mine property. His car had been seen several times sitting on an adjacent access road. An inspection of the vehicle by the mine manager found a suicide note and an empty gun case. After a search by local law enforcement officers, Mr. Gilbert was discovered nearby.

The Certificate of Death found the cause of death to be a self inflicted gunshot wound to the head. _____ was not a mine or contractor employee and had no connection to the mining industry. A missing person's report indicated that the deceased had a loaded weapon and was possibly suicidal.

The committee members concluded that _____ 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.
Patricia W. Silvey