

**UNITED STATES
DEPARTMENT OF LABOR
MINE SAFETY AND HEALTH ADMINISTRATION
Metal and Nonmetal Mine Safety and Health**

REPORT OF INVESTIGATION

**Surface Nonmetal Mine
(Limestone)**

**Fatal Fall of Person Accident
February 29, 2008**

Tejas Oilfield Services

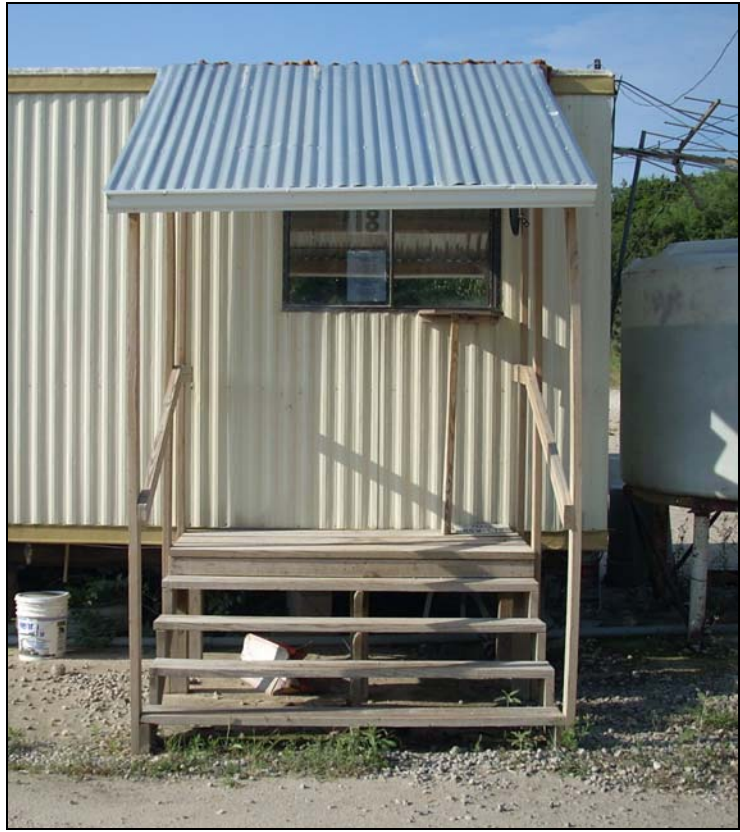
at

**Maverick Materials, LLC
Maverick Materials, LLC
Blum, Hill County, Texas
Mine ID No. 41-03717**

Investigator

**Michael R. Van Dorn
Supervisory Mine Safety and Health Inspector**

**Originating Office
Mine Safety and Health Administration
South Central District
1100 Commerce Street, Room 462
Dallas, TX 75242-0499
Edward E. Lopez, District Manager**



OVERVIEW

On February 29, 2008, David H. Cape, Customer Truck Driver, age 58, was injured when he fell down the steps leading to a scale house ticket window. Cape was hospitalized and later transferred to a rehabilitation facility where he died on May 10, 2008.

The accident occurred because Cape fell while descending the steps. The Mine Safety and Health Administration (MSHA) conducted an investigation regarding chargeability of the accident as a mine-related fatality. Information was forwarded to MSHA's Fatality Review Committee (Committee). Based on the results of MSHA's investigation and a review of the available medical documentation, the Committee determined on May 6, 2009, that Cape's death should be charged to the mining industry.

The death certificate indicated Cape died of ischemic heart disease. The Committee concluded that his death was due to complications of injuries received when he fell at work on February 29, 2008.

GENERAL INFORMATION

Maverick Materials, LLC (Maverick), a surface crushed limestone operation, owned and operated by Maverick Materials, LLC, was located near Blum, Hill County, Texas. The principal operating official was Suzanne Arnold, President. The mine operated one shift per day, six days per week. Total employment was 11 persons.

Limestone was drilled, blasted, and placed in haul trucks by a front-end loader. Broken rock was hauled to the on-site plant where it was crushed and screened to produce finished products for use on local construction projects.

Tejas Oilfield Services (Tejas) was a contractor located in Gainesville, Texas that offered oilfield services, equipment, and supplies to the north Texas oil fields. Tejas had been hired by a Maverick customer to deliver crushed rock to oil well drilling sites. The principal operating official was Vann Farr, Asset Manager. Total employment was 120 persons. David Cape was an employee of Tejas.

The last regular inspection prior to the accident at this operation was completed on February 5, 2008.

DESCRIPTION OF THE ACCIDENT

On the day of the accident, David H. Cape (victim) reported to work at a Tejas truck yard in Aledo, Texas at 6:00 a.m., his usual starting time. He had been off work for several days due to an illness. Cape drove his truck to Maverick to pick up a load of crushed rock for a drill site. He arrived at Maverick about 6:45 a.m. and found 8 to 10 trucks already waiting for the mine to open at 7:00 a.m.

At 7:55 a.m., Cape received a load of rock and drove about 400 feet from the plant area to the scale house. After his truck was weighed, Cape pulled forward, exited his truck, and walked up four steps to the platform at the scale house ticket window.

Cape received a weigh ticket, turned to his left, and fell down the steps. Cape reached for the stairway handrail as he was falling but landed on the ground beyond the scale house steps. Tina Doty, Scale Clerk, and another truck driver went to Cape while Jenifer Tinsley, Scale Clerk, called emergency medical services (EMS).

Cape was lying across the scale house steps and propped up on one elbow when EMS arrived at 8:26 a.m. Cape was transported to a hospital in Cleburne, Texas. He was transferred that day to another hospital in Fort Worth and remained there until March 19, 2008, when he was released to a rehabilitation center in Weatherford, Texas. On May 10, 2008, Cape died at the rehabilitation center. Death was attributed to ischemic heart disease.

INVESTIGATION OF THE ACCIDENT

On the day of the injury, MSHA was notified by a telephone call from Chad Tinsley, Plant Manager, to Laurence Dunlap, Supervisory Mine Safety and Health Inspector. An investigation was not initiated at that time but the mine operator filed a 7000-1 Mine Accident, Injury and Illness Report.

Upon learning of Cape's death, Tejas notified the Occupational Safety and Health Administration (OSHA) and an investigation was conducted. OSHA notified MSHA of the death on May 22, 2009, by a telephone call from Michael Talmont, Assistant Area Director, to Fred Gatewood, Assistant District Manager.

MSHA's accident investigation team traveled to the mine, made a physical inspection of the accident scene, interviewed employees, and reviewed documents and work procedures relevant to the accident. MSHA conducted the investigation with the assistance of mine and contractor management and employees.

DISCUSSION

Location of the accident

The accident occurred at the scale house about 400 feet from the pit. The weather was hot and dry and was not considered to be a factor in the accident.

Scale House Steps and Platform

The steps and platform leading to the scale house ticket window were constructed by mine employees about 21 months prior to the accident. They were constructed utilizing 2-inch by 10-inch cut lumber to create 4 steps leading to a 33-inch long platform. The platform was 31 inches to 35 inches above the surrounding ground and provided access for truck drivers to receive a weigh ticket through a window in the scale house. The platform had a tin roof and handrails constructed from 2-inch by 4-inch cut lumber.

Training and Experience

David Cape had 30 years of experience, including 1 year and 20 weeks with Tejas. He had received site specific hazard awareness training in accordance with 30 CFR Part 46.

CONCLUSION

The accident occurred because Cape fell while descending the steps. The Mine Safety and Health Administration (MSHA) conducted an investigation regarding chargeability of the accident as a mine-related fatality. Information was forwarded to MSHA's Fatality Review Committee (Committee). Based on the results of MSHA's investigation and a review of the available medical documentation, the Committee determined on May 6, 2009, that Cape's death should be charged to the mining industry.

The death certificate indicated Cape died of ischemic heart disease. The Committee concluded that his death was due to complications of injuries received when he fell at work on February 29, 2008.

ENFORCEMENT ACTION

No enforcement action was taken as a result of the accident or subsequent investigation.

Approved: _____

Edward E. Lopez
District Manager

Date: _____

APPENDIX A

PERSONS PARTICIPATING IN THE INVESTIGATION

Maverick Materials, LLC

Suzanne Arnold.....President
Chad Tinsley.....Plant Manager


Tejas Oilfield Services

Scott Mercer.....Health, Safety, and Environmental Manager

Mine Safety and Health Administration

Michael R. Van Dorn.....Supervisory Mine Safety and Health Inspector

APPENDIX B

Accident Investigation Data - Victim Information										U.S. Department of Labor		
Event Number: 1 0 4 1 8 6 0										Mine Safety and Health Administration		
Victim Information: 1												
1. Name of Injured/Ill Employee: <i>David H. Cape</i>			2. Sex: <i>M</i>		3. Victim's Age: <i>58</i>		4. Degree of Injury: <i>01 Fatal</i>					
5. Date(MM/DD/YY) and Time(24 Hr.) Of Death: <i>a. Date: 05/10/2009 b. Time: 16:56</i>						6. Date and Time Started: <i>a. Date: 02/29/2008 b. Time: 6:00</i>						
7. Regular Job Title: <i>176 customer truck driver</i>				8. Work Activity when Injured: <i>092 walking</i>				9. Was this work activity part of regular job? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>				
10. Experience a. This			b. Regular			c. This			d. Total			
Years	Weeks	Days	Years	Weeks	Days	Years	Weeks	Days	Years	Weeks	Days	
<i>1</i>	<i>20</i>	<i>1</i>	<i>1</i>	<i>20</i>	<i>1</i>	<i>0</i>	<i>6</i>	<i>1</i>	<i>0</i>	<i>6</i>	<i>1</i>	
11. What Directly Inflicted Injury or Illness? <i>011 fell down steps</i>						12. Nature of Injury or Illness: <i>370 multiple injuries</i>						
13. Training Deficiencies:												
Hazard:			New/Newly-Employed Experienced Miner:				Annual:		Task:			
14. Company of Employment: (If different from production operator) <i>Tejas Oilfield Services</i>												
Independent Contractor ID: (if applicable)												
15. On-site Emergency Medical Treatment:												
Not Applicable:		First-Aid:		CPR:		EMT: <input checked="" type="checkbox"/>		Medical Professional:		None:		
16. Part 50 Document Control Number: (form 7000-1)						17. Union Affiliation of Victim: <i>9999 None (No Union Affiliation)</i>						