

Case 464. 80-year-old farm hand died when a tree branch from the downed tree being moved by his tractor struck him.

An 80-year-old male farm hand died when a tree branch from the downed tree being moved by his tractor struck him. The decedent drove the Kabota 5000 tractor equipped with a loader in the front and a brush hog to a 10-acre former crop field to mow it; the property was being maintained for future sale. He arrived at the site at approximately in mid-morning, mowed for a while, ate lunch with a property owner adjacent to the property being mowed, and then resumed the task. The incident occurred near a tree line. A tree had fallen from the woodline into the field in the mowing path. The tree which fell had several branches forming a "Y". The incident occurred while the decedent, seated in the tractor seat, attempted to use the loader as a bulldozer to move the tree out of the way. Per the police report, it appeared as though the decedent had contacted the tree a couple of different times; there were marks on the hydraulic arms of the tractor as well as where the hydraulics met the hydraulic cylinder. Tractor paint was visible on the tree and transferred in a width which was consistent with the hydraulic arm dimensions. On the decedent's last attempt, it appeared the tree "rolled" up and over the bucket and a branch struck and pinned him in the tractor seat.

MIOSHA General Industry Safety and Health Division issued the following Other-than-Serious violations to the employer at the conclusion of its investigation.

OTHER-THAN-SERIOUS: RECORDING AND REPORTING OF OCCUPATIONAL INJURY AND ILLNESSES, ADM PART 11, RULE 408.22139(1): Fatalities. Within 8 hours after the death of an employee from a work-related incident, you must report the fatality by telephone to the MIOSHA toll-free central telephone number 1-800-858-0397.

The incident was not reported within 8 hours after the death of an employee on *date*. (*MIFACE removed the specific date of injury.*)

OTHER-THAN-SERIOUS: INSPECTIONS AND INVESTIGATIONS, CITATIONS, AND PROPOSED PENALTIES, ADM PART 13, RULE 408.22325(2): Department representatives may take air, environmental, and material samples; take or obtain photographs related to the purpose of the inspection or investigation; employ other reasonable investigative techniques; and question privately any employer, owner, operator, agent, or employee of an establishment (See rule 1331 on trade secrets.)

An employee interview was requested, but unable to be conducted due to the employer withholding the employee's name and contact information.