

Case 454. 39-year-old Hispanic owner of a landscape/paver business died when a saw kicked back and struck his neck.

A 39-year-old Hispanic male owner of a landscape/paver business died when a saw kicked back and struck his neck. The decedent and a coworker were in the process of removing a metal pool. There had been a few previous vertical cuts in the metal liner on the shallow end, which had a depth of approximately three feet. The sides to the east were in the process of being pushed inward. As cutting work progressed, the last area to be cut was located on the western side of the shallow end of the pool. The incident occurred near when the pool transitioned from shallow to deep. The decedent was making a vertical cut with a cut-off saw equipped with a 14" Diamond Wheel blade. This type of blade is routinely used for masonry/cement work, not metal work. The decedent's coworker had just returned with a skid steer after loading equipment into a trailer. He turned the skid steer off and heard the decedent scream. The incident was unwitnessed. His coworker stated that he witnessed the decedent touch his neck. The decedent turned off his saw and climbed out of the pool. His coworker ran to him. The decedent started to lean over and fall. His coworker caught him and called 911 while he was trying to stop the bleeding. The 911 operator asked for the address, but his coworker did not know. The 911 operator instructed the coworker to run to the front of the home to obtain the address. While at the front, his coworker flagged down a motorist to provide assistance. The address was provided and emergency response arrived. The decedent was declared dead at the scene.

MIOSHA Construction Safety and Health division did not issue any violations; an employer-employee relationship could not be established.