

A **40 year old male** employee **fell approximately 4'** to concrete while unloading a pallet of plastic bins full of automotive parts. The victim was standing on and fell from an elevated lift gate on a box truck. This incident happened on Jan 6<sup>th</sup> but was not reported until Apr 26<sup>th</sup> by the medical examiner.

It was learned that the victim was working to deliver automotive goods at Advanced Auto Parts in the early morning hours. This was his first deliver stop of the day. Based on reports of the incident, the victim was working to unload a pallet of plastic bins with various automotive components and fell from the elevated lift gate of the Penske truck. No witnesses were present, but he was observed just prior to and shortly after the fall occurred. He apparently struck his head on the concrete during the fall and was unresponsive when an Advanced Auto Parts employee found him on the ground. He was transported to the hospital where he later succumbed to his injuries.

The victim dispatched early the morning of the incident due to the inclement weather forecasted across the state of Tennessee and the Christmas holiday the following day. Upon arrival to the automotive store, precipitation was already occurring. The victim was most likely rushed due to the weather and timing of the holiday and was working to drop his deliveries as quickly as possible so that he could return to the La Vergne terminal. The surface of the liftgate may have been slick from the precipitation and would have not provided a typical grip during loading/unloading activities.

It was determined through interviews with other workers that the victim used a Crown WP3000 electric pallet jack moving backwards to position the material onto the liftgate for lowering. It is probably that the victim stepped near the edge or slipped off of the edge of the liftgate and fell backward striking his head on the concrete ground below.

Based on the investigation, it was determined Penske Logistics had properly trained the victim on his activities and no hazards were identified with the incident. Due to the temporary staffing agency actively employing & providing him to Penske through contract defined agreements, it was found that Optimum Staffing Services, LLC. dba Optimum Logistic Solutions failed to notify TOSHA of the fatality within 8 hours as required.

**Citation(s) as Originally Issued**

A complete inspection was conducted at the accident scene. Some of the items cited may not directly relate to the fatality.

**Citation 1 Item 1**      **Type of Violation:**      **Other-than-Serious**      **\$4000**

**TDLWD Rule 0800-01-03-.05(1)(a)1:** Within eight (8) hours after the death of any employee as a result of a work-related incident, the employer did not report the fatality to the TOSHA Division of the Tennessee Department of Labor and Workforce Development.

In that a fatality that occurred on January 6th, 2021 was not reported to TOSHA within the (8) hour requirement and was not learned of until April 26th, 2021.



