

## Inquest records 'accidental death' verdict on death of Luton man at Olympics rail site

DATE: FEBRUARY 2010

An inquest jury last Friday (29 January) returned a verdict of accidental death after a Luton man was killed whilst engaged on building part of the London Olympics project.

Henry Sheridan, 58, was a carpenter who on 3 December 2008 was working at the Docklands Light Railway site in West Ham. The bucket of a JCB excavator operating nearby became detached and fell on Mr Sheridan's head, killing him instantly.

The project on which Mr Sheridan was employed is an extension to the West Ham station platform, an important improvement to the infrastructure prior to the 2012 London Olympics.

He was employed by Lorclon Limited and the plant was supplied by Flannery. The main contractor is Skanska GrantRail Joint Venture.

All three companies were legally represented at the inquest, as was the driver of the excavator, Patrick Finn. Mr Finn's lawyers advised him not to give evidence, so it was not possible to question him in court.

One key witness failed to attend. Mr Krasimir Zarev, a Bulgarian national, was variously described as a general labourer and 'banksman', whose job it is to direct the vehicle given the restricted view from the cab. Mr Zarev was summonsed to attend but failed to do so and could not be found.

The evidence suggested that that Mr Zarev had been acting as banksman on this occasion, and had been asked by Mr Finn to assist him. Mr Finn attached the quick hitch to the bucket and Mr Zarev inserted the safety pin which is intended to lock the latch in its closed position.

Mr Sheridan was standing in a shallow ditch approximately a foot deep, the bucket was raised about 12 feet before it became detached and fell on Mr Sheridan's head.

The accident was witnessed by Mr Stephen Garrett a tube passenger who was standing on the platform of West Ham station. He gave evidence at the inquest.

The excavator was extensively tested by the HSE and no fault was found with the machine. The conclusion was that the quick hitch mechanism had not been properly secured and not been engaged with the rear pin of the bucket.

The jury returned a verdict of accidental death. The foreman commented that the appropriate checks to ensure that the bucket was properly fitted were not carried out.

The Office of Rail Regulation (ORR), which performs the role of the HSE in railway matters, is now able to complete its investigations. Prosecutions may be lodged against any of the companies or individuals involved. The findings of the ORR investigation are expected within three months of the inquest.

Mr Sheridan is survived by his wife Geraldine and his two sons, Kevin and Gerry.

The Sheridan family's lawyer is Helen Clifford, a construction industry specialist with Luton-based law firm Pictons.

'The family is disappointed with the verdict but understands that on the basis of the evidence which was before the Court there could be no other finding,' Helen Clifford explains. 'I will now be pursuing the civil claim on behalf of Mrs Sheridan.'

If you have been affected by a similar incident, please contact the Pictons Personal Injury Team on 0845 263 7512 or email [helen.clifford@pictons.co.uk](mailto:helen.clifford@pictons.co.uk)