

01 EXAMINATION UNDER OATH
02 OF
03 CHARLES WAYNE ACORD
04
05
06 Taken pursuant to Notice by Autumn D.
07 Furby-Pritt, a Court Reporter and
08 Notary Public in and for the State of
09 West Virginia, at Department of
10 Environmental Protection, 1101 George
11 Kostas Drive, Logan, West Virginia,
12 on Wednesday March 29, 2006, at 8:00
13 a.m.

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01 A P P E A R A N C E S

02
03 KENNETH A. MURRAY
04 District Manager
05 U.S. Department of Labor
06 Mine Safety and Health Administration
07 Coal Mine Safety and Health
08 District 6
09 100 Fae Ramsey Lane
10 Pikeville, KY 41501

11

12

13 MARK HEATH, ESQUIRE
14 Spilman, Thomas & Battle, PLLC
15 990 Elmer Prince Drive
16 Suite 205
17 P.O. Box 4474
18 Morgantown, WV 25604-4474

19

20 DANIEL M. BARISH, ESQUIRE
21 U.S. Department of Labor
22 Office of the Regional Solicitor
23 1100 Wilson Boulevard
24 22nd Floor West
25 Arlington, VA 22209-2247

3

01 A P P E A R A N C E S (cont.)

02

03 WILLIAM TUCKER
04 Assistant Inspector at Large

05 West Virginia Office of Miners'
06 Health, Safety & Training
07 142 Industrial Drive
08 Oak Hill, WV 25901
09
10 ANTHONY BURKE
11 CMS&H Inspector
12 U.S. Department of Labor
13 Mine Safety & Health Administration
14 Whitesburg Field Office
15 704 Highway 2034
16 Whitesburg, KY 41858
17
18 ANTHONY WEBB
19 U.S. Department of Labor
20 Mine Safety and Health Administration
21 Coal Mine Safety and Health
22 District 6
23 100 Fae Ramsey Lane
24 Pikeville, KY 41501
25

01 A P P E A R A N C E S (cont.)

02

03 ALSO PRESENT:

04 DENNIS A. BEITER

05 RONALD W. STAHLHUT

06 CHARLES W. POGUE

07 C.A. PHILLIPS
08 BETH SPENCE
09 DERRICK TJERNLUND
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01 P R O C E E D I N G S

02 -----

03 MR. BEITER:

04 My name is Dennis
05 Beiter. I represent the Mine
06 Safety and Health
07 Administration, which is an
08 Agency of the United States
09 Department of Labor. I am a
10 member of MSHA's accident
11 investigation team that's
12 assigned the task of
13 investigating the accident
14 that occurred at the Aracoma

15 Coal Company, Incorporated,
16 Aracoma Alma Mine Number One,
17 on January 19th, 2006.

18 This is a joint
19 investigation that MSHA is
20 conducting with the State of
21 West Virginia. I will be
22 asking the questions for MSHA
23 in today's interview. With me
24 here today are other members
25 of MSHA's team and the State's

8

01 team. MSHA's team includes
02 various specialists and
03 members of the Solicitor's
04 Office. At this time, I'd ask
05 --- I'd like to ask each of
06 the members of MSHA's team to
07 identify themselves for the
08 record.

09 ATTORNEY BARISH:

10 Hi, Mr. Acord. My name
11 is Dan Barish. I'm an
12 attorney in the Solicitor's
13 Office representing MSHA and
14 I'm from Arlington, Virginia.

15 MR. WEBB:

16 I'm Anthony Webb with

17 District Six in Pikeville,
18 Kentucky.

19 MR. STAHLHUT:

20 Ron Stahlhut, MSHA,
21 Vincennes, Indiana.

22 MR. POGUE:

23 Charlie Pogue, MSHA,
24 Hunker, Pennsylvania.

25 MR. MURRAY:

9

01 Kenny Murray, MSHA,
02 Pikeville, Kentucky.

03 MR. TJERNLUND:

04 Derrick Tjernlund, MSHA
05 Tech Support, Triadelphia.

06 MR. BURKE:

07 Tony Burke, MSHA of
08 Whitesburg, Kentucky.

09 MR. BEITER:

10 And I work for MSHA in
11 Technical Support Group out of
12 Triadelphia, West Virginia.

13 Here with us today also,
14 representing the State of West
15 Virginia is Mr. Bill Tucker.

16 Mr. Tucker will be asking the
17 questions for the State. And
18 at this time, I'd ask Mr.

19 Tucker to introduce members of

20 the State team and I also
21 believe he has a statement to
22 make for you.

23 MR. TUCKER:

24 Appreciate you coming
25 in today, Charlie. The West

10

01 Virginia Office of Miners'
02 Health, Safety & Training is
03 conducting this interview
04 session jointly with MSHA.
05 We're in agreement with the
06 procedures outlined by Mr.
07 Beiter.

08 However, let me make it
09 clear that the Director
10 reserves the right, if
11 necessary, to call or subpoena
12 witnesses or require the
13 production of any record,
14 document, photograph or other
15 relevant materials necessary
16 to conduct this investigation.

17 Again, my name is Bill
18 Tucker and I work for Miners'
19 Health, Safety & Training out
20 of the Oak Hill office.

21 MR. PHILLIPS:

22 Good morning, Charles,
23 my name is C.A. Phillips. I'm
24 the Deputy Director of the
25 Office of Miners' Health,

11

01 Safety & Training in
02 Charleston, West Virginia

03 MS. SPENCE:

04 I'm Beth Spence with
05 the Governor's Office.

06 MR. BEITER:

07 This investigation is
08 being conducted by MSHA and
09 the State of West Virginia to
10 gather information to
11 determine the cause of the
12 accident and to help prevent
13 this from happening in the
14 future. These interviews are
15 an important part of the
16 investigation.

17 After the investigation
18 is completed, MSHA will issue
19 a written report detailing the
20 nature and causes of the
21 accident. MSHA accident
22 reports are made available to
23 the public in the hope that
24 greater awareness about the

25 causes of accidents can reduce

12

01 their occurrence in the
02 future. Information obtained
03 through witness interviews is
04 frequently included in these
05 reports. Your statement may
06 also be used in other
07 enforcement proceedings.

08 I would like to thank
09 you in advance for your
10 appearance here. We appreciate
11 your assistance in this
12 investigation. The
13 willingness of miners and mine
14 operators to work with us is
15 important making our mines
16 safer.

17 This interview with Mr.
18 Charles Acord is being
19 conducted under Section 103(a)
20 of the Federal Mine Safety &
21 Health Act of 1977 as part of
22 an investigation by the Mine
23 Safety & Health Administration
24 into the conditions, events
25 and circumstances surrounding

13

01 the fatalities that occurred
02 at the Aracoma Alma Mine
03 Number One located on Route 17
04 North, Bandmill Hollow Road,
05 Stollings, West Virginia,
06 25646.

07 This interview is being
08 conducted at the State of West
09 Virginia Department of
10 Environmental Protection,
11 Division of Mining and
12 Reclamation at 1101 George
13 Kostas Drive, Logan, West
14 Virginia, 25601 on March 29th,
15 2006.

16 Mr. Acord, the
17 interview will begin by asking
18 you a series of questions.
19 Please feel free at any time
20 to clarify any statements that
21 you make in response to those
22 questions. After we have
23 finished asking questions, you
24 will also have an opportunity
25 to make a statement of your

14

01 own and provide us with any
02 other information that you may
03 believe is important.

04 You are permitted to
05 have a representative with you
06 during this interview, and you
07 may consult with your
08 representative at any time.

09 You may designate any person
10 to be your representative.

11 Following the questions by
12 MSHA and the state, this
13 representative will be given
14 an opportunity to ask
15 questions for the purpose of
16 clarification on areas that
17 have already been discussed.

18 Your statement is
19 completely voluntary. You may
20 refuse to answer any question
21 and you may end your interview
22 at any time. If you do not
23 understand a question, please
24 ask and I'll try to rephrase
25 the question. If you need a

15

01 break for any reason, just ask
02 and we'll take a break. You
03 may request the opportunity to
04 make a confidential statement,
05 which will be withheld from

06 the public to the extent
07 allowed by law. Should you
08 desire to give a confidential
09 statement, you should advise
10 me before I begin your
11 interview so that I can
12 reschedule your interview in
13 order to properly consider
14 your request. Do you want to
15 have a confidential interview?

16 MR. ACORD:

17 No.

18 MR. BEITER:

19 A court reporter will
20 record your interview and will
21 later produce a written
22 transcript of that interview.
23 I ask that you state all of
24 your answers verbally because
25 the court reporter cannot

16

01 record gestures like nodding
02 your head.

03 MR. ACORD:

04 Okay.

05 MR. BEITER:

06 Neither the transcript
07 of this interview nor the
08 content of this interview will

09 be released to the public or
10 the media until MSHA's final
11 accident investigation report
12 is issued or until required by
13 court order or until a public
14 hearing takes place.

15 If any part of your
16 statement is based not on your
17 own firsthand knowledge but on
18 information that you learned
19 from someone else, please let
20 us know that. Please answer
21 each question as fully as you
22 can, including any information
23 that you learned from someone
24 else. We may not ask the
25 right questions to learn the

17

01 information that you have, so
02 please don't feel free --- or
03 please don't feel limited by
04 the precise wording of the
05 questions. If you have
06 information about the subject
07 area of a question, please
08 provide us with that
09 information. Do you have any
10 questions about the manner in

11 which this interview will be
12 conducted?

13 MR. ACORD:

14 No.

15 MR. BEITER:

16 Would you please swear
17 or affirm ---?

18 -----

19 CHARLES WAYNE ACORD, HAVING FIRST
20 BEEN DULY SWORN, TESTIFIED AS
21 FOLLOWS:

22 -----

23 BY MR. BEITER:

24 Q. Please state your full name,
25 address, telephone number, including

18

01 area code and please spell your last
02 name for the record.

03 A. Charles Wayne Acord,

[REDACTED]

[REDACTED]

06 Q. Thank you. Mr. Acord, are you
07 appearing voluntarily at this
08 interview?

09 A. Yes.

10 Q. Has anyone made you any
11 promises for giving this statement?

12 A. No.

13 Q. Has anyone offered you any

14 rewards in exchange for making this
15 statement?

16 A. No.

17 Q. Has anyone threatened you or
18 warned you not to provide this
19 statement?

20 A. No.

21 Q. Do you understand that you may
22 refuse to answer any question or
23 terminate this interview at any time?

24 A. Yes.

25 Q. Do you have a representative

19

01 with you?

02 A. Yes.

03 Q. Would you please identify him?

04 A. Mark. What's your last name?

05 ATTORNEY HEATH:

06 It's Mark Heath.

07 A. Mark Heath. I'm sorry.

08 BY MR. BEITER:

09 Q. Thank you, Mr. Acord. When
10 did you first meet Mr. Heath?

11 A. I met him through Pepé at the
12 mine. Met him and he's a lawyer.

13 Q. How did this meeting come
14 about?

15 A. Just they was talking at the

16 mines. The guy said I had to come to
17 this interview and they had a lawyer,
18 that they would get us a
19 representative or whatever. So I
20 said well, if they're going to give
21 us a representative, might as well
22 take it, because I've never been
23 through nothing like this before so
24 ---.

25 Q. Did you contact Mr. Heath?

20

01 A. Yes, I did.

02 Q. Did you make the decision to
03 choose Mr. Heath as your
04 representative?

05 A. Yes.

06 Q. Have you been made aware that
07 Mr. Heath also represents the company
08 in this matter?

09 A. Yes.

10 Q. And that there is potential
11 for a conflict of interest to arise
12 between you and the company?

13 A. Yes.

14 Q. Do you wish to proceed with
15 Mr. Heath representing you?

16 A. Yes.

17 ATTORNEY HEATH:

18 Just to state for the

19 record, I'm his representative
20 in the interview process and
21 we've discussed that already
22 with Mr. Acord. I'm not his
23 personal attorney.

24 MR. BEITER:

25 Okay. Thank you, Mark.

21

01 BY MR. BEITER:

02 Q. Have you been interviewed by
03 the company before today?

04 A. No.

05 Q. Did you attend the meeting at
06 the local grade school?

07 A. Yes.

08 MR. BEITER:

09 Can we take a break,
10 please?

11 SHORT BREAK TAKEN

12 BY MR. BEITER:

13 Q. Mr. Acord, thank you. We have
14 a few more questions before we get
15 into the general questions.

16 MR. BEITER:

17 First, I want to remind
18 Mr. Heath that, as you know,
19 the rules for these
20 proceedings are that you are

21 will only have the opportunity
22 to speak at the end, to ask
23 clarifying questions. So I
24 remind you that unless we ask
25 you a question that you should

22

01 not speak. You're a guest
02 here and that's --- just
03 remind you that you spoke
04 earlier and that was not
05 appropriate. If we have a
06 question for you, we will ask
07 you. But our questions are
08 for the witness, Mr. Acord.

09 BY MR. BEITER:

10 Q. Now, Mr. Acord, I want to go
11 back to some of the questions we were
12 asking you about the representation
13 issue. When did you first ---
14 explain --- let's start from the
15 beginning. Describe how you first
16 came in contact with Mr. Mark Heath.

17 A. Okay. Like I said, we was
18 talking about the guys were saying
19 that they had an interview today or
20 something and they said that they was
21 getting a representative from the
22 company and they said that the
23 company was providing them a

24 representative. And they asked me,
25 they said do you have him. And I

23

01 said no. So I went up that morning,
02 which was yesterday morning and asked
03 them if they had a representative and
04 they said yeah. And Pepé got on the
05 phone and called him and he gave the
06 phone over to me and I talked to him.
07 He asked me if --- explained a whole
08 bunch of stuff to me about what we
09 went over this morning. And I said,
10 I'd feel better if I had a
11 representative there, because I
12 haven't --- never been through this
13 before. So ---.

14 Q. Let's go back a second. When
15 was this conversation that you first
16 described where you were talking to
17 some people and ---?

18 A. Tuesday --- what was
19 yesterday, Tuesday?

20 Q. Yes.

21 A. It would have been that
22 working night, so it would have been
23 Monday night.

24 Q. Midnight shift, Tuesday?

25 A. And then I come out Tuesday

01 morning, which ---.

02 Q. All right. So who were you
03 speaking with?

04 A. Just guys at work. I think
05 one of them is coming here at ten
06 o'clock.

07 Q. Okay. And what was the ---
08 what was the discussion about?

09 A. About a representative and he
10 said if they're going to provide us
11 with one, we might as well use him or
12 whatever.

13 Q. Who said that?

14 A. The guy that I was talking to.

15 Q. This is the guy that's coming
16 at 10:00 ---

17 A. Yeah.

18 Q. --- or is this somebody else?

19 A. Yeah.

20 Q. And he said what?

21 A. They're going to --- he said
22 if they're going to give us --- like
23 he said, they have a lawyer. And he
24 said the representative, if they're
25 going to give us one, he said, might

01 as well use them. So I said, okay.

02 Q. And then what did you do?

03 A. I went up and asked Pepé if
04 they had a lawyer and a
05 representative. And he said yeah.
06 And he got on the phone and called
07 him.
08 Q. He called --- Pepé Lester
09 called who?
10 A. Mark.
11 Q. And then you got on the phone?
12 A. Yeah.
13 Q. And what was discussed?
14 A. Basically the same thing he
15 just said a while ago about that ---
16 he explained some of the different
17 stuff to me. He did say something
18 about the conflict of interest with
19 the company. Then he said that I can
20 choose anybody I wanted and some of
21 the stuff that you all told me when
22 you called me on the phone. I mean,
23 I don't remember word for word. I
24 didn't think nothing about it, you
25 know what I'm saying?

26

01 Q. Did you feel that you had a
02 choice as to whether to have Mr.
03 Heath as your representative?
04 A. Oh, yeah. I know I had a

05 choice, because I went up there and
06 asked Pepé. If I didn't want him to
07 come with me, I would have come by
08 myself.

09 Q. Okay. Is Mr. Heath your
10 attorney?

11 A. No.

12 Q. What is his role?

13 A. He's a representative.

14 Q. Who does he represent?

15 A. Me.

16 Q. You personally?

17 A. Yeah.

18 Q. But is he your legal
19 representative?

20 A. I don't understand what you're
21 asking.

22 Q. In other words, is he your
23 attorney?

24 A. No.

25 Q. Okay. Are you aware that Mr.

27

01 Heath is the attorney for Aracoma
02 Coal Company?

03 A. Yes.

04 Q. Okay. And are you aware that
05 there's a potential conflict of
06 interest ---

07 A. Yes.

08 Q. --- with him representing both
09 the company and personally being your
10 representative here?

11 A. Yes.

12 Q. Okay. But he's not your legal
13 representative?

14 A. No.

15 Q. Okay. And do you want to
16 proceed with the interview despite
17 that potential conflict of interest?

18 A. Yes.

19 Q. And do you feel coerced in any
20 way as far as having Mr. Heath
21 present in the room for your
22 interview?

23 A. No.

24 Q. Okay. We'll go ahead and
25 proceed. Thank you, Mr. Acord. Is

28

01 it all right if I call you Charles?

02 A. Yes.

03 Q. Charles, how long have you
04 worked at Aracoma Alma Mine Number
05 One?

06 A. The end of August will be two
07 years.

08 Q. The end of this coming August
09 or the last August?

10 A. The end of this coming August.

11 Q. This coming August. So it's
12 about a year and some odd months?

13 A. A year and 18 months --- or
14 eight months, whatever.

15 Q. Okay. What is your current
16 job title?

17 A. Move crew.

18 Q. How long have you held the
19 position?

20 A. Just about the whole time.

21 Q. Do you rotate shifts?

22 A. No. Third shift.

23 Q. And for third shift, what is
24 your normal work hours for third
25 shift?

29

01 A. 11:00 to 8:00 in the morning,
02 nine hours.

03 Q. 11:00 on the previous night
04 day and then ---

05 A. Right.

06 Q. --- working over midnight into
07 ---

08 A. Into the ---.

09 Q. --- the next morning?

10 A. Right. So we start Sunday
11 night, then we come out Saturday
12 morning. So we're actually ---.

13 Q. What was your job title on
14 January 19th, 2006?

15 A. Move crew.

16 Q. Are you considered a member of
17 management?

18 A. No.

19 Q. Do you supervise anyone?

20 A. No.

21 Q. Do you hold any state or
22 federal mine examination
23 certifications or qualifications?

24 A. I have EMT card, that's all.

25 Q. What other jobs have you held

30

01 at this mine?

02 A. Just when I was a red hat, I
03 did outby work for about three months
04 before they moved me into the move
05 crew position.

06 Q. Did you start out as a
07 contractor?

08 A. Yes, about two months.

09 Q. Have you worked at any other
10 mines?

11 A. No.

12 Q. Is your total amount of
13 experience in mining, the ---

14 A. Yes.

15 Q. --- one year and some odd
16 months that you've worked at Aracoma?

17 A. Yes.

18 Q. As move crew, what are your
19 duties? What do you normally do?

20 A. We move the belt up, move belt
21 and power up as far as like advance
22 to the section. I mean, it's hard to
23 explain. I mean, if you've worked in
24 the mines, you know what I'm talking
25 about if I tell you to move belt and

31

01 power up. So we stay a break behind
02 or whatever the limits are.

03 Q. Is it on the --- what sections
04 do you ---?

05 A. Three section.

06 Q. All of Three section?

07 A. Yeah.

08 Q. Are there different move crews
09 for different sections?

10 A. Yes.

11 Q. Do you know who the move crew
12 is for Two section?

13 A. No, I don't.

14 Q. Do you know who is on the move
15 crew for the longwall?

16 A. No, I don't.

17 Q. Does the longwall have a move

18 crew, do you know?
19 A. That I really --- I mean, if I
20 say yes, I'd be lying to you. I'm
21 assuming they do. But I mean, as far
22 as knowing, no, I don't know.
23 Q. Okay. Who's your supervisor
24 normally prior to January 19th, 2006?
25 A. Pepé Lester.

32

01 Q. Do you know what Pepé Lester's
02 title is?
03 A. No, I don't.
04 Q. Does he work the same shift
05 you do?
06 A. He works day shift.
07 Q. He works day shift. Do you
08 have a supervisor that you work for
09 on your shift?
10 A. As far as --- you're talking
11 about like a mine foreman or
12 something?
13 Q. Someone else on your shift
14 actually that gives you work orders?
15 A. I had a boss ---
16 Q. Yes.
17 A. --- before he quit. J.J.
18 Workman.
19 Q. J.J. Workman. Do you know

20 what his first name is
21 A. James or Jimmy, I'm not sure.
22 James I think.
23 Q. Did he quit after January
24 19th, 2006?
25 A. No. He quit before that.

33

01 Q. So on January 19th, 2006, did
02 you have a normal supervisor --- a
03 normal boss that you worked for on
04 your shift?
05 A. No.
06 Q. If Pepé works day shift and
07 you work midnight shift, ---
08 A. Right.
09 Q. --- how do you receive work
10 orders?
11 A. They just posted a list up for
12 us for Three section and it usually
13 had J.J.'s name on it wherever he had
14 the list and he would coordinate all
15 that stuff. Then when he quit, they
16 were in the process of getting us a
17 new boss or whatever so we would get
18 that list. Then when this happened,
19 we've got new supervisors and all
20 that stuff.
21 Q. Do you ---?
22 A. I guess I should tell you they

23 was putting a guy, Steve Deskins
24 (phonetic) as a crew leader. So he
25 --- once J.J. quit, he was like

34

01 coordinating, but before the accident
02 was only like a couple days. So
03 actually we was still without a boss.

04 Q. Okay. As part of the move
05 crew --- does a move crew typically
06 build ventilation controls?

07 A. No.

08 Q. You move the feeder up? You
09 move the feeder up when you move the
10 belt?

11 A. Yes.

12 Q. Do you ever move the feeder up
13 past the last permanent stopping on
14 the return or on the intake? Do you
15 know what I mean?

16 A. No. I'm trying to ---.

17 Q. When your buggy roads are
18 coming to your feeder ---?

19 A. No, because I have to leave so
20 much so they can haul it back to and
21 from, like one open break or
22 something. I'm not sure exactly how
23 much they leave, but I do know they
24 don't go all the way up, because you

25 can't be all the way in the face

35

01 because they can't get the buggies

02 and stuff in.

03 Q. Like the second intersection

04 back from the face?

05 A. Yeah, I think so.

06 Q. Do you know if the stoppings

07 were already built separating the

08 intake from the belt and from the

09 return from the belt prior to you

10 moving up the belt?

11 A. I believe --- let's see, I

12 believe most of them are. I believe

13 they have to leave the one open where

14 we can get through it sometimes. But

15 then it's built that morning before

16 they can run production.

17 Q. Do you know who would build

18 that?

19 A. I think I was told the pin men

20 do that.

21 Q. The pin men, roof bolters?

22 A. Yeah.

23 Q. Roof bolter operators?

24 A. Right.

25 Q. And you believe they build

36

01 that before they start producing

02 coal?

03 A. Yeah. Because they're not
04 allowed to run until everything's
05 open.

06 Q. Did you work on January 19th,
07 2006, the day of the accident?

08 A. No. They had all the media
09 and stuff up there and I called in.
10 And they told me just to stay home
11 because --- they couldn't tell me no
12 details at the time though.

13 Q. What about January 18th, did
14 you work the day before?

15 A. Yeah.

16 Q. What area of the mine did you
17 work on that day?

18 A. Three section.

19 Q. Do you always work on Three
20 section?

21 A. Yeah.

22 Q. Have you ever worked anywhere
23 else?

24 A. When I was a red hat over a
25 year ago. I mean, doing outby work,

37

01 but ---.

02 Q. Okay. And Three section being
03 where Three section is located

04 presently?
05 A. Yes.
06 Q. I mean, sometimes the section
07 number moves with wherever that unit
08 goes.
09 A. Right. Well, a year or so ago
10 before they moved it, then I was up
11 on the old Three section, which would
12 have been ---
13 Q. Right.
14 A. --- I'm not real sure.
15 Q. Pretty much right across from
16 where you're at now?
17 A. Yeah.
18 Q. On the other side of north
19 mains?
20 A. Yeah.
21 Q. In back of the longwall?
22 A. I think it's where the
23 longwall's at now.
24 Q. This is Three section?
25 A. That's Three section right
01 there.
02 Q. This is --- I believe it's
03 called old Three section.
04 A. Okay.
05 Q. Would that have been where?
06 A. Yeah, that's where we would

07 have been.

08 Q. Okay. Do you help to make
09 power moves for the longwall?

10 A. For the longwall, no.

11 Q. No? Do you do any work on the
12 longwall at all?

13 A. No.

14 Q. Do you ever do belt
15 maintenance work?

16 A. As far as what? I mean, with
17 moving belt, we had to make belt
18 splices and stuff on the belt. But
19 as far as whether you're talking
20 maintenance --- what are you calling
21 maintenance?

22 Q. Changing rollers.

23 A. We put rollers in every time.
24 When we move belt, we have to put
25 rollers and stuff in.

39

01 Q. Bad rollers, rollers that need
02 replaced?

03 A. Yeah, we've changed them in
04 our section belt and stuff like that.

05 Q. Just on your section belt.

06 How do you become aware that there's
07 rollers that need changed?

08 A. I guess like the beltmen or

09 I'm not sure who does it, but I'm
10 assuming it's the beltmen walk the
11 belt and mark them up on dayshift and
12 stuff, then we come in at night and
13 change them out.

14 Q. And how is that information
15 transferred to you?

16 A. Via the list and stuff.

17 Q. Okay. Is this list posted
18 somewhere?

19 A. It was in the boss' office
20 upstairs.

21 Q. Is it maintained in a book or
22 just a sheet of paper?

23 A. No. It's just a sheet of
24 paper like be done and I guess they
25 do --- I'm not sure what the bosses

40

01 do. I think they have to do like a
02 production report or something daily.

03 Q. And how is that information
04 transferred on after you receive the
05 list and say there's ten items on the
06 list and you get nine of them done?

07 A. Then it carries over to the
08 next night for the next list, I
09 guess. I'm not sure. You would have
10 to ask that boss about that.

11 Q. Okay. So you'd report to your

12 boss or he would be with you ---
13 A. Right
14 Q. --- so he would know what you
15 got done?
16 A. Exactly.
17 Q. Okay. But you're not sure how
18 that process works as far as
19 transferring over what ---
20 A. Exactly
21 Q. --- still needs to be done?
22 Okay. When the loading point is
23 moved up, the belt tail and the
24 feeder, could you tell us who extends
25 the waterline?

41

01 A. The move crew.
02 Q. The move crew does?
03 A. Yeah.
04 Q. Is the fire tap moved up ---
05 A. Yeah.
06 Q. --- along with it?
07 A. Yeah, because we have a
08 manifold already built together where
09 everything connects and we break it
10 apart here and move it up. Then we
11 have to put it within every 15
12 joints, I think we put it.
13 Q. Do you know how far apart the

14 fire valves are supposed to be?

15 A. They're 15 joints, which would
16 be 300 feet I think.

17 Q. Okay. Do you know if the fire
18 valves are supplied with the fitting
19 that connects to the fire hose?

20 A. Yeah, the fire hose just
21 screws right on to the fire tap.
22 It's an inch and a half waterline.

23 Q. When you advance a belt
24 structure, what all other items do
25 you move?

42

01 A. What are you talking about as
02 far as the belt structure? I mean,
03 you --- it's all rollers.

04 Q. To what the tailpiece, advance
05 the feeder?

06 A. Right. And then ---

07 Q. Add belt?

08 A. --- all the belt, you got ---.

09 Q. All the rollers, the
10 waterline?

11 A. The waterline, yeah.

12 Q. Transformers, power centers?

13 A. That's with the power move,
14 yeah.

15 Q. The power move, you pull the
16 transformers up, too?

17 A. Yeah, the whole --- we just
18 call it a power box.

19 Q. Yes. How about supplies?

20 A. As far as what type of
21 supplies?

22 Q. Supplies, bolts, plates, ---

23 A. No. I mean.

24 Q. --- blocks, rock dust.

25 A. We have a time or two brought

43

01 the block in for the --- like I was
02 telling you, like where that stopping
03 that's going to be built that
04 morning, we'd go ahead and set them
05 up there because with the belt in
06 there, they have to come around.
07 It's kind of hard to get to.

08 Q. The stopping that you said the
09 pinners have to put in, is that
10 between the intake and the belt or
11 between the return and the belt? Do
12 you know?

13 A. It would be between the
14 intake, because we got two intakes
15 and the belt line's here.

16 Q. How about the emergency sled,
17 do you have like an S1 sled?

18 A. Yes.

19 Q. I know there's an S1 sled on
20 the longwall. Is there one on every
21 section?

22 A. Yeah.

23 Q. Do you move that as well?

24 A. Yeah. We've got everything
25 like a chain coming back from the

44

01 power center.

02 Q. They're all connected?

03 A. Right.

04 Q. You pull one, you pull them
05 all?

06 A. Right.

07 Q. Okay. When you move the
08 waterlines, add a waterline to it,
09 where do you turn the waterlines off
10 at? Where do you turn the water off?

11 A. Like a previous shutoff valve.
12 Like we'd like to keep it within like
13 --- we'd move two breaks, so we
14 wouldn't like to walk very far, so
15 we'd like go four breaks, sometimes
16 six breaks back, put a shutoff valve
17 in. You just close it down, then put
18 all your waterline in, get the
19 pressure pump hooked up, turn the
20 water back on, so they have water for
21 the section.

22 Q. Were you here when they were
23 developing Nine headgate as a
24 development section? Were they doing
25 that when you were in old Three

45

01 section? Do you know?

02 A. That I don't know. I mean, if
03 they've done it within the last ---
04 since I've worked there, the last two
05 years, then I'm sure I was. But as
06 far as we dealt with Three section
07 mainly. That's about all we're
08 worried about, to be honest with you.

09 Q. Do you ever fill in on a
10 development section that was moving
11 power and belt on a gate entries ---

12 A. No.

13 Q. --- the longwall? Always
14 either for old Three section or new
15 Three section; is that correct?

16 A. Right. I went up there with
17 J.J. for a week when somebody was off
18 on Two section, but I mean, it wasn't
19 no longwall or nothing.

20 Q. Where is that at?

21 A. It's on Two section. It's ---
22 I mean, I don't know.

23 Q. Is Two section where it is

24 now?.

25 A. Yeah. Just be a few hundred

46

01 feet. It's been maybe four months or

02 so ago if I can recall right. Five

03 maybe.

04 Q. Like in November,

05 October/November, something right

06 around there?

07 A. Somewhere through there.

08 Q. Maybe December?

09 A. Yeah, like four or five days

10 is all we worked up there.

11 Q. Was it pretty much ran the

12 same way as Three section was?

13 A. Yeah.

14 Q. Same procedures?

15 A. Yeah.

16 Q. Anything different?

17 A. Not that I recall.

18 Q. Did you move waterline ---

19 A. Yeah.

20 Q. --- up in there, too?

21 A. Yeah.

22 Q. Do you know where you had to

23 go to shut the water off?

24 A. The same way, just back

25 however many breaks to the shutoff

47

01 valve back. I think they did run
02 like a six-inch line versus we run a
03 four-inch line through there.

04 Q. Do you know why?

05 A. I guess it's for the longwall
06 when they move in there. That's the
07 only thing I ---.

08 Q. Is it in the same belt entry?
09 Is it in the belt entry for the
10 section belt, ---

11 A. Yeah.

12 Q. --- the waterline?

13 A. Yeah.

14 Q. I guess the reason I was
15 asking about that waterline is, is
16 --- the longwall belt is up against a
17 solid, you know, like when they start
18 mining with the longwall?

19 A. Right.

20 Q. And the belt in Two section,
21 and I believe all the other
22 development sections, is not in the
23 entry up against a solid. So if
24 you're putting in a waterline down in
25 the entry where the ---

48

01 A. Yeah, I'm not sure how they
02 ---.

03 Q. --- where the development belt
04 is, you know, it's not going to be in
05 the same entry that the belt's going
06 to be in when you got the longwall
07 belt installed. You know what I
08 mean?

09 A. I know what you're saying, but
10 I don't --- I don't know how they
11 develop it if ---.

12 Q. Yeah.

13 A. Because I know --- I know very
14 little about the longwall, I'll just
15 say that. You know what I mean?

16 Q. That's all right. I'm just
17 curious if you knew anything about
18 differences between those two
19 sections. And you said you've worked
20 up on Two section, I thought maybe
21 somebody said something to you about
22 that.

23 A. No.

24 Q. Okay. When you move up the
25 power boxes is the power removed from

49

01 the power boxes when you pull them
02 up?

03 A. I don't believe so. I'm not
04 real sure.

05 Q. Does the high voltage cable

06 just pull out off of a sled ---
07 A. Yeah.
08 Q. --- to the sled behind it?
09 A. Yeah.
10 Q. And does it just like pull off
11 like a ---?
12 A. It's figure eighted.
13 Q. And it just pulls off as you
14 pull it to advance?
15 A. Right.
16 Q. Is it left on the ground?
17 A. No.
18 Q. You hang it?
19 A. Yeah, you have to hang it.
20 Q. Do you hang it on your shift?
21 A. Yeah, we hang it when we pull
22 up the power box. We have to hang it
23 so we can get equipment through and
24 stuff.
25 Q. Do you know what voltage that

01 cable is?
02 A. 12470 I believe. That's what
03 the signs say.
04 Q. Is power removed while you're
05 hanging the cable?
06 A. I'm not sure. I don't think
07 so.

08 Q. Do you use electricians gloves
09 or anything like that?

10 A. We just use regular gloves.

11 Q. High voltage gloves or
12 anything?

13 A. Just --- I think just regular
14 gloves.

15 Q. Regular work gloves?

16 A. Yeah, like ---.

17 Q. Are they canvas or leather?

18 A. I think the call them
19 Meta-Miner.

20 Q. What are they?

21 A. Meta-Miner.

22 Q. Meta-Miner?

23 A. Yeah.

24 Q. Do you know if they're ---

25 A. They're company supplied.

51

01 Q. --- appropriate for handling
02 high voltage cable that's on that
03 drive?

04 A. That I don't know.

05 Q. Does your supervisor accompany
06 you with your work during the day?

07 A. Do what now?

08 Q. Does your supervisor, your
09 boss on your shift, does he work with
10 you during that day? Like J.J.

11 Workman, you said he was your boss
12 for a while.

13 A. Yeah.

14 Q. Did he help you work as well
15 or is he strictly a supervisor? Or
16 is he like a working supervisor?

17 A. He would help.

18 Q. You know what I mean by
19 working supervisor? Somebody that
20 would help with ---.

21 A. Yeah, but you said during the
22 day you throw me, because we work at
23 night. I'm sorry.

24 Q. The shift that you work.

25 A. Yeah, he did help.

52

01 Q. All right. Did he help you
02 hang the cable as well?

03 A. He'd be like --- it was
04 somebody drive the scoop and a couple
05 people would hang the cable.

06 Q. Okay. How do you know the
07 power was on?

08 A. I mean, I'll see fluorescent
09 lights on top of the power center, so
10 I just assumed it was on.

11 Q. A pretty good indication the
12 power on transformer is on if the

13 ---. Are the fluorescent lights also
14 powered by that transformer?

15 A. Yeah, they're plugged into
16 ---.

17 Q. They're not powered by another
18 transformer?

19 A. No, because we have to take
20 them down and move them up with the
21 box.

22 Q. Yeah. Okay. Well, I guess it
23 helps see a little bit better while
24 you're hanging that cable.

25 A. I guess.

53

01 Q. What's the procedure for
02 adding a waterline?

03 A. As far as what do you mean by
04 procedure? I mean, we move belt, we
05 have to add waterline.

06 Q. Yeah. Is there someone that's
07 --- the same person directed all the
08 time to go out and turn the water off
09 or ---?

10 A. No. I mean, we all know how
11 to do to it or --- but most of the
12 time we try to keep the same one
13 that's working at the same job. Like
14 we've got one guy, Ernie, he would
15 pretty much --- I used to do the

16 waterlines and then we he come on, I
17 moved up, you know, like a different
18 --- moved up the line a little bit
19 and he would take over the waterline
20 and stuff as I showed him how to do
21 it, how I'd been showed.

22 Q. When you leave for the shift
23 after your move is completed, does
24 somebody check to make sure that the
25 water's turned back on?

54

01 A. Yes.

02 Q. And how do you check?

03 A. You got turn the valve on and
04 then the pressure pump and then the
05 Spizer (phonetic) miners and stuff.
06 And plus we've got to turn it on in
07 order to bleed the air out of the
08 line.

09 Q. Okay. Blow any dirt or
10 anything out ---

11 A. Exactly.

12 Q. --- before you plug the filter
13 up on the mine?

14 A. Exactly.

15 Q. Yeah. You said somebody's
16 driving a scoop when you're moving
17 power. Does somebody --- does a

18 supervisor help you hang that high
19 voltage cable?

20 A. He may have at a time or two.

21 Q. Does he know that you're
22 hanging it though? I mean ---?

23 A. Well, yeah, he's in a scoop
24 pulling the power box.

25 Q. He's the one driving the

55

01 scoop?

02 A. Yeah, most of the time.

03 Q. All right. Is it expected
04 that the cable's hung and not left
05 laying on the ground? I mean, is
06 that something your supervisor would
07 expect you to do?

08 A. Exactly, yeah.

09 Q. Okay. And you say J.J.
10 Workman was your supervisor before he
11 left?

12 A. Yeah.

13 Q. And now it's ---- or now ---
14 up until the 19th, just for a few
15 days, it was someone else? He wasn't
16 a supervisor?

17 A. Right.

18 Q. You said like a leadman?

19 A. A crew leader.

20 Q. Crew leader.

21 A. But I don't even think we made
22 any power moves or anything, belt
23 moves since J.J. had left.

24 Q. Okay.

25 A. Because we were getting ready

56

01 to start pulling back.

02 Q. How often do you move power?

03 A. If it ran good, it was like
04 twice or three times a week,

05 Q. What are you doing when you're
06 not moving power and belt?

07 A. That's when we make our
08 splices and keep up on the section
09 belt and things like that.

10 Q. Okay. Do you vulcanize your
11 splices?

12 A. No. We make mechanicals.

13 Q. What type of mechanical splice
14 do you use?

15 A. Just a four-foot. I think
16 it's five ---.

17 Q. Do you use the rivet ones, the
18 rivet splices?

19 A. Yeah, rivet splices.

20 Q. Like Flexco?

21 A. Flexco, yeah.

22 Q. Yeah. Does a move crew work

23 on belt drives like your section
24 belt? Did you guys --- when Three
25 section --- when old Three section

57

01 was done, and you were back over into
02 where Three section's located now,
03 there's a couple --- there's several
04 belt drives on that section, isn't
05 there? Goes up and makes a turn,
06 makes another turn?

07 A. Yeah.

08 Q. There's probably three belt
09 drives for the Three section, ---

10 A. On Three section, yeah.

11 Q. --- isn't there?

12 A. Yeah.

13 Q. Yeah. Did you work on those
14 belt drive installations?

15 A. We had put --- like put the
16 belt heads in and stuff, but ---.

17 Q. Yeah. Did you?

18 A. Yeah, we helped some.

19 Q. Did you also --- are you aware
20 that there's fire protection, fire
21 suppression system on the --- you
22 know, located around the belt drive
23 and takeup storage areas?

24 A. The electricians took care of
25 all that I think.

01 Q. The electricians do?

02 A. Yeah.

03 Q. They install it all?

04 A. Yeah, I'm pretty sure, because
05 we didn't have no involvement in
06 that. We just helped moved the
07 machinery up and stuff like that, get
08 it in place.

09 Q. Do you make any tests of that
10 fire protections system, you know, on
11 your normal maintenance as far as
12 checking the --- you know, replacing
13 rollers and ---?

14 A. Not move crew.

15 Q. Move crew doesn't?

16 A. No.

17 Q. Okay. When you move the power
18 and you said you see the lights on,
19 is it --- can you hear the box
20 humming, too?

21 A. Yeah.

22 Q. So it's pretty certain that
23 the power's on then?

24 A. Yeah.

25 Q. All right. Did you ever have

01 to complete a power move and not get

02 the power turned back on before
03 they're ready to run coal the next
04 shift?
05 A. No.
06 Q. Okay. Did you ever start
07 loading coal at the end of your shift
08 when the power move's done?
09 A. No. We were never that
10 fortunate to get done ahead.
11 Q. Time is always running short,
12 huh?
13 A. Yep.
14 Q. Yeah. How many crosscut moves
15 do you make routinely?
16 A. What do you mean?
17 Q. Two crosscuts, you move up
18 every two, move up every three?
19 A. Yeah, we move two breaks at a
20 time.
21 Q. Two breaks at a time?
22 A. Yeah. I think they was
23 running 70-foot centers, so 140 feet
24 is what we'd advance.
25 Q. Okay. Do you know what the

60

01 designated escapeways are ---
02 A. Yeah.
03 Q. --- for Three section?
04 A. Yeah.

05 Q. Do you know what color the
06 alternate escapeway markers are?
07 A. Yeah, amber.
08 Q. Do you know where that
09 escapeway is located?
10 A. Yes, that's our travelway up
11 in it.
12 Q. How about the primary?
13 A. It's right behind our power
14 box. We actually got two right up
15 the Two and Three entry, both intake.
16 Q. Are they marked with
17 reflectors as well?
18 A. Yeah.
19 Q. What color are they?
20 A. Green.
21 Q. Have you participated in an
22 escapeway drill?
23 A. Yeah.
24 Q. From your working --- normal
25 working section?

01 A. Yeah.
02 Q. Could you describe a little
03 bit about that escapeway drill? What
04 you talked about, what --- any
05 actions you did?
06 A. Well, we talked about like a

07 --- what would happen if there was a
08 fire. Like where I drive the scoop
09 and stuff, they wanted me to go get
10 rock dust and bring it up to the
11 section and then the other guys would
12 take care of the foam and this and
13 that. And then we got the fire put
14 out or whatever, then we would go on
15 down the escapeway, go outside.

16 Q. In that discussion about what
17 you do if there was a fire, was there
18 any discussion about notifying a
19 responsible person or the responsible
20 person?

21 A. Yeah, that was the guy that
22 was with the phone. Notifying ---
23 you mean the outside? Notifying ---?

24 Q. Well, let me back up a little
25 bit. Have you ever heard of your

62

01 mine's firefighting evacuation plan?

02 Have you ever heard of that?

03 A. I think I have, but I mean,
04 I'm not --- as far as I'm not
05 designated to call them or nothing.
06 I guess whoever would be on the phone
07 would be the one to do that.

08 Q. Designated to call a
09 responsible person?

10 A. Right. And call outside and
11 I think the dispatcher would get
12 ahold of them people.

13 Q. Okay. Was there any
14 discussion about evacuation in that
15 --- in that fire drill?

16 A. Yeah, as far as going outside
17 or whatever, it would --- I mean, we
18 just like pretend we had a fire and
19 put it out and then we just walk
20 outside because you got to get
21 outside, wait until everything's
22 cleared up and then I guess somebody
23 else has got to come back in and
24 re-fire boss and all that stuff
25 before you can actually go back to

63

01 work.

02 Q. Was there ever any discussion
03 about what you would do if --- or at
04 what point you would evacuate? I
05 guess before a fire was extinguished,
06 was there any discussion as to if you
07 would ever evacuate before a fire was
08 extinguished?

09 A. Yeah, I mean, if the --- we
10 just talked about if it was real bad,
11 we're just getting out of there. I

12 mean, we was all for ourself
13 basically. I mean, we basically held
14 that they can replace the equipment
15 at any time. We're out of here.

16 Q. In your opinion, if there's
17 smoke is there a fire?

18 A. Not necessarily.

19 Q. Do you see the two
20 differently?

21 A. Smoke and fire?

22 Q. Uh-huh (yes).

23 A. Yeah.

24 Q. What's the difference in your
25 mind?

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01 A. A fire is being blazing either
02 red or orange or whatever. Smoke
03 could be from the fire that already
04 went out. I mean, because it will
05 smoke and smolder. I've seen ashes
06 that sit there and be like black or
07 grey ashes and smoke will still come
08 up from it.

09 Q. In a coal mine you have?

10 A. No. I'm just talking about
11 --- you asked me ---.

12 Q. Okay.

13 A. You asked me about a fire and

14 ---

15 Q. Yeah.

16 A. --- smoke. You didn't ask me

17 --- no, I've never seen a fire in a

18 coal mine.

19 Q. Okay.

20 A. I mean, ---.

21 Q. Kind of caught me off guard a

22 little bit there.

23 A. Well, you asked ---.

24 Q. I know I didn't qualify it.

25 Yeah, you're right.

65

01 A. But no, I've never seen a fire

02 in the coal mines.

03 Q. Okay. Have you seen smoke in

04 a coal mine?

05 A. No. I've seen like when you

06 rock dust, it looks like smoke.

07 Q. Yeah, sometimes they're

08 putting it on pretty good, it can be

09 pretty thick.

10 A. Right.

11 Q. But that's usually white dust

12 and not black though, isn't it?

13 A. Yeah. But when you're back

14 two or three breaks and you see a

15 cloud of dust, you don't know whether

16 it's white or black.

17 Q. Are you aware that smoke also
18 can contain toxic gasses?

19 A. Yeah, carbon monoxide or
20 something.

21 Q. Uh-huh (yes).

22 A. Yeah.

23 Q. Do you think those toxic
24 gasses could present a hazard to
25 someone's life?

66

01 A. Oh, yeah. That's why we have
02 the SCSR.

03 Q. Do you think evacuation if
04 there's smoke but not flames is an
05 appropriate response?

06 A. Yeah. I mean, I guess it
07 depends on what the situation is. I
08 mean, I can't really --- I mean, as
09 far as I --- I mean, I really can't
10 say one way or another what you're
11 --- I don't really understand what
12 you're asking. I mean, but ---.

13 Q. That's okay. If people ---?

14 A. I mean, if ---.

15 Q. If people were inby ---?

16 A. I wouldn't hold nothing
17 against you if you want to say, well,
18 there's smoke, let's go on out. I'd
19 walk out with you, know what I'm

20 saying? But I'd want everybody to go
21 with me. I wouldn't want just ---
22 you know what I'm saying? I wouldn't
23 want to leave anybody behind ---
24 Q. Right.
25 A. --- basically.

67

01 Q. All right.
02 A. I wouldn't.
03 Q. Do you think that it's
04 necessary to wait until you have
05 flames before an evacuation is
06 ordered ---
07 A. Then if there ---.
08 Q. --- in your opinion?
09 A. It would depend on how bad ---
10 what kind of smoke are we talking
11 about? I mean, is it something that
12 you can ventilate and take care of?
13 I mean --- I mean, everything would
14 be different. I mean, it'd be like
15 you have one little fire here and one
16 big fire. I mean, which one you
17 going to put out first? I mean,
18 you'd put out the big fire. But I
19 mean, every situation --- in my
20 opinion, every situation would be
21 different. You'd have to see it

22 before I could --- I'd have to have
23 an example or something before I
24 could tell you, well, would --- would
25 I evacuate at this time. If I see a

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01 little bit of smoke and thought I
02 could control it, I'd probably try to
03 put it out.

04 Q. Okay. Is that based on just
05 your personal thoughts or is that
06 based on training that you've
07 received as far as fighting fires or
08 ---?

09 A. Based on my personal thoughts.

10 Q. Did you ever walk your
11 escapeways?

12 A. Yeah.

13 Q. Did you? Where did you walk
14 from?

15 A. From Three section out, out
16 the primary escapeway.

17 Q. Out the primary?

18 A. Secondary.

19 Q. Out the secondary. Did you
20 walk or did you drive?

21 A. I've did both.

22 Q. Done both?

23 A. Yeah.

24 Q. When you walked, where did you

25 walk from?

69

01 A. Three section. That'd be the
02 days we was late on moves
03 unfortunately we had to walk.

04 Q. You missed a ride?

05 A. Yeah. We had to walk all the
06 way out.

07 Q. Okay. I assume you walked the
08 travelway out?

09 A. Yeah, which would be the
10 secondary escapeway.

11 Q. The secondary. Did you ever
12 walk a primary out?

13 A. Yeah.

14 Q. Did you? All the way from the
15 section ---

16 A. All the way from the section
17 ---

18 Q. --- all the way out to the box
19 cut?

20 A. --- all the way --- yeah.

21 Q. Could you find your way in it
22 pretty good?

23 A. Yes.

24 Q. Does J.J. Workman still work
25 at Aracoma Coal, Alma?

70

01 A. No.

02 Q. No? Do you know where he went
03 to?

04 A. I believe he went to Hernshaw.

05 Q. That's another Massey mine?
06 Isn't that like a sister mine? I've
07 heard the name before.

08 A. Yeah.

09 Q. Have you received training
10 with the CO system?

11 A. I don't deal with the CO
12 system.

13 Q. Are you aware that there is
14 one?

15 A. I know there is one. But I
16 mean, electricians handle that as far
17 as when we make a move, they have to
18 move everything up and stuff. But
19 they handle that.

20 Q. Okay. Do you have any work at
21 all with the CO systems?

22 A. No.

23 Q. Do you ever get a call from a
24 dispatcher, you know, says, hey,
25 Charles, we got something showing up

71

01 on the system at one of these sensors
02 here, do you mind going out and
03 checking it?

04 A. No.

05 Q. No?

06 A. I don't have time for it.

07 When I'm making a move, we don't have

08 time for stuff like that.

09 Q. Pretty busy.

10 A. Yeah, I mean, pretty much.

11 Q. When was the last time you

12 received your annual refresher

13 training?

14 A. Beginning of this year, I'm

15 not sure on exact date, beginning of

16 this year.

17 Q. What types of things were

18 discussed?

19 A. It was right before the fire.

20 Q. It was?

21 A. Yeah.

22 Q. What all was discussed? Do

23 you recall?

24 A. I remember we got a --- we had

25 to go in a restroom, a dark restroom,

01 and try to put on our SCSRs. Had

02 like a minute or two to do it.

03 Q. So it sounds like it was

04 pretty good?

05 A. Yeah, it was pretty good.

06 Made you really realize what --- how
07 it would be.

08 Q. It's a little bit different,
09 isn't it?

10 A. Oh, yeah.

11 Q. Yeah.

12 A. Yeah, they talked about the
13 roof control plan and stuff like that
14 where we was getting ready to ---
15 where Three section was going to be
16 uphill in the section. We went over
17 all the stuff about that. Then of
18 course the first day --- it was eight
19 hours, I couldn't go --- I can't
20 remember everything, but ---.

21 Q. Have you ever seen an
22 escapeway map?

23 A. Yes, there's one on the top of
24 our power center.

25 Q. There is? How about on the

73

01 surface?

02 A. That I've not paid attention
03 to, no.

04 Q. Okay.

05 A. I'm thinking there's some up
06 there, but I mean, I've not really
07 looked for them or anything like
08 that. I just knew we had one at the

09 power center and I already knew my
10 way out anyway.

11 Q. Have --- as part of your
12 escapeway drill, has anybody ever
13 reviewed that?

14 A. Yeah, we pulled that out.

15 Q. You do?

16 A. Yeah.

17 Q. That's good. When you worked
18 up on Two section, did you know what
19 escapeway was for Two section?

20 A. Yes.

21 Q. Where was it, the primary?

22 A. It was the intake route if I
23 remember correctly. I just remember
24 asking about it when we went up
25 there.

74

01 Q. That's good.

02 A. Made sure I knew where it was.

03 Q. That's good.

04 A. But they was running four
05 entries and I'm trying to think which
06 one like if --- I believe the intake
07 was on this side, the belt and power
08 was in the same entry and then you
09 had the travelways, which are
10 secondary escapeway, I knew that.

11 Q. Okay. Are you aware of how
12 frequently or infrequently alarms or
13 alerts, warnings, are identified on
14 the CO system?

15 A. No.

16 Q. Did you ever hear a dispatcher
17 calling for a beltman to check things
18 out?

19 A. No. I mean, ---.

20 Q. On a pager phone, mine phone?

21 A. No. I mean, basically like I
22 say, we were moving --- I'm doing my
23 job and I can barely hear, you know,
24 with running around, getting the
25 structure and stuff like that so I'm

75

01 not around the phone the whole time.

02 Q. What direction does the belt
03 air move on Three section?

04 A. Belt air?

05 Q. The air that's ventilating the
06 belt entry in those air courses,
07 those common entries with the belt?
08 It's probably where you move power
09 too; right? Is your power in the
10 intake?

11 A. Power's in the intake.

12 Q. Power's in the intake.

13 A. Belt's in neutral.

14 Q. And the travel road's adjacent
15 to the belt?
16 A. Right.
17 Q. When you're in that either the
18 travelway or the belt entry, itself,
19 ---?
20 A. There's no much air movement.
21 Q. No?
22 A. I mean, ---.
23 Q. Can you tell which way it's
24 going?
25 A. You can tell, I mean, but you

76

01 got to try to --- I mean, you can't
02 just tell by feeling or something.
03 You can hold up like a piece of paper
04 and you might see it just wave just a
05 little bit or something. I have
06 never done it.
07 Q. Yeah.
08 A. In other words, if you rock
09 dust, you can ---
10 Q. Yeah.
11 A. --- it will go outby, I think
12 it is. If that's what you're asking?
13 Q. It goes outby?
14 A. Yes.
15 Q. Yeah, I guess I was asking

16 what direction it goes in?
17 A. Right.
18 Q. It goes outby?
19 A. Right.
20 Q. From what point? Does it come
21 over the top of the feeder before you
22 move the belt up, before you move the
23 feeder?
24 A. No, I'm talking about --- I'm
25 talking about down in the belt line.

77

01 I'm talking about maybe back when
02 you're rock dusting the belt or
03 something. No, ---
04 Q. Yeah.
05 A. --- I don't think there's much
06 air movement up on the section there,
07 at the feeder that you're talking
08 about.
09 Q. Nothing noticeable?
10 A. No.
11 Q. Is there a curtain across the
12 belt ---
13 A. Yes.
14 Q. --- near the feeder? Where is
15 it located?
16 A. Right in --- the feeder's here
17 and the belt's right back here where
18 the curtain's right across the belt

19 line.

20 Q. Right behind the feeder?

21 A. Right.

22 Q. In that same crosscut?

23 A. Right.

24 Q. Do you recall what direction

25 the air is moving through that

78

01 curtain? I mean, there might not be

02 a whole lot of it. You said there's

03 not a lot in there, but is it moving

04 like from the feeder through the

05 curtain and outby or from outby

06 through the curtain over the feeder?

07 A. I really can't say. I mean, I

08 never paid that much attention to it.

09 I mean, ---.

10 Q. Okay. That's fine. Have you

11 been provided any training with

12 regard to the CO system and the alert

13 and alarm levels and ---?

14 A. No.

15 Q. No? How about what actions to

16 take if there are alerts and alarms,

17 warnings and alarms?

18 A. As far as what are we talking

19 about here, the systems or ---? I

20 mean, I know for CO ---.

21 Q. Yeah. What's appropriate
22 action. I mean, if a dispatcher
23 sees, you know, one alarm, one
24 warning ----?
25 A. No, I've never dealt with it.

79

01 I mean, ---

02 Q. No? Okay.

03 A. --- any type of COs.

04 Q. And did you say you haven't
05 received any training on that?

06 A. Not that I can recall. I
07 mean, if they went over something
08 like that in the retraining or
09 something, but I mean, it's nothing
10 hands-on or anything like that. I
11 don't deal with it, so ---.

12 Q. Is there anything that sticks
13 in your mind that they did?

14 A. No. That's why I'm saying I
15 don't deal with it, so I don't
16 understand even why they would.

17 Q. Yes. The stop switch on the
18 longwall --- I mean, on the belt
19 drives, is there a stop switch along
20 the belt line?

21 A. Yeah. I'm not sure how many.

22 Q. Where is it located at, do you
23 know?

24 A. There's one right behind the
25 feeder, then there's several down

80

01 through the belt line as you walk
02 down.

03 Q. Is it just like a light
04 switch, a toggle switch?

05 A. Not really a toggle. It's
06 kind of like a light switch, but one
07 way turns it on, it stays on and then
08 the other way turns it off. And
09 it's marked on there.

10 Q. Do you move that out when you
11 move --- on your move?

12 A. Electricians do.

13 Q. Electricians do. Do they work
14 with you up there, the electricians?

15 A. As far as working with --- I
16 mean, they got their jobs and we got
17 our jobs. Once we get the belt in,
18 then they come back and do their
19 thing.

20 Q. Same shift?

21 A. Yeah, same as ---. Yeah,
22 they're ---.

23 Q. You move the belt first and
24 then you move power after?

25 A. Usually we move the power

01 first and then we ---
02 Q. You do?
03 A. --- move the belt.
04 Q. Okay. Electricians, do they
05 help with the power move?
06 A. They may have once or twice
07 but I don't think --- not normally.
08 Q. Not normally?
09 A. No.
10 Q. Do they give you any special
11 gloves or anything to use while
12 you're moving power, the
13 electricians?
14 A. No.
15 Q. No? Those gloves you're
16 talking about, they don't come like
17 up past your elbows or nothing, do
18 they?
19 A. No.
20 Q. No?
21 A. No.
22 Q. Have you ever worked up on
23 northeast mains for anything? You
24 said you worked on Two section. Did
25 you work on any other areas up there?

01 A. No.
02 Q. Like four days or something

03 you said you worked on Two section?
04 A. Yeah, I was just helping with
05 the belt moves.
06 Q. Do you remember driving up
07 through there?
08 A. Driving up through there?
09 Q. Yeah, going up underneath the
10 longwall belt and ---.
11 A. Oh, yeah, riding. Yeah.
12 Q. Do you remember the airlock
13 doors that were up there, the scoop
14 doors? Did you call them scoop doors
15 or equipment doors?
16 A. We just call them doors.
17 Q. Doors. You know what I'm
18 talking about, the big doors that are
19 ---
20 A. Yeah.
21 Q. --- open both ways so a
22 mantrip ---?
23 A. You got two sets, one on each
24 side. The guys will go on, go
25 through, then close that one and open
01 another one.
02 Q. Yes. Were they, all four
03 doors, closed when you went up
04 through there that day? Do you

05 recall?

06 A. Yeah, I'm certain it was

07 because we had to get off and open

08 them to go through.

09 Q. You did?

10 A. Yeah.

11 Q. Did you close them back up ---

12 A. Yeah.

13 Q. --- when you went through

14 them?

15 A. Yeah.

16 Q. The second set of doors on the

17 inby side of the mother drive, the

18 inby side of the longwall belt,

19 there's a set outby the belt. You go

20 through two doors; right?

21 A. Okay. I know ---.

22 Q. I mean, are you ---?

23 A. I don't know where you're

24 talking about.

25 Q. Are you ---?

84

01 A. At our Number One Fourway, we

02 got a set of doors --- we used to

03 have a set of doors here, belt, and a

04 set of doors here.

05 Q. Right.

06 A. Okay. Then you turn and you

07 go up toward the Two section.

08 Q. Up the intake, right.
09 A. Okay. Go up the intake.
10 Q. Yes.
11 A. Where are we talking about?
12 Q. Go on up the intake, top of
13 the hill, hang a right going towards
14 Two section.
15 A. Okay.
16 Q. And you make a couple turns,
17 go underneath the longwall belt.
18 A. Yeah, there's another set of
19 doors here, ---
20 Q. Right.
21 A. --- belt, and doors here.
22 Q. Yeah. That's right.
23 A. Okay.
24 Q. Now, the second set of those
25 doors, the last set of the doors you

85

01 just described.
02 A. On the other side of it.
03 Q. Just past the longwall belt.
04 A. Right.
05 Q. Right. When you were going
06 between them doors, did you recall if
07 there was a stopping on either side
08 of that travelway?
09 A. As far as between the two

10 doors?

11 Q. Between the most inby set of
12 doors there?

13 A. Was there stoppings between
14 the two doors?

15 Q. Yeah.

16 A. The two doors here?

17 Q. Yeah.

18 A. Would it ---?

19 Q. Would it kind of like block
20 the travelway in, you know what I
21 mean? So you like --- if you went
22 through the first and this second
23 door ---?

24 A. I know the belts were here. I
25 don't know if there was stoppings

86

01 back here or not. I didn't see
02 stoppings here, but they could have
03 been back.

04 Q. All right.

05 A. You know what I'm saying?

06 Q. Yes. Have you ever gone in
07 the dispatcher's office for anything?

08 A. Yeah, to get the dispatcher or
09 ask for a pair of gloves or
10 something.

11 Q. Oh, that's right, because he
12 also hands out supplies and stuff out

13 at your shop up there, doesn't he?

14 A. Yeah.

15 Q. Okay. Are you aware that

16 there's a sign --- or are you aware

17 of any sign, new sign, that's posted

18 in the dispatcher's office regarding

19 who's permitted to enter the

20 dispatcher's office?

21 A. Yes, since that sign was put

22 up, no one's allowed in there.

23 Q. Okay. I guess that answers my

24 question. Do you know why that sign

25 was put up?

87

01 A. No, I don't.

02 Q. Was there a problem or

03 something or ---

04 A. I have no idea.

05 Q. --- too many people were in

06 there or ---?

07 A. I guess. They --- I'm

08 assuming --- with him having to write

09 down the supplies that you're taking,

10 I'm assuming they couldn't keep up

11 with their inventory.

12 Q. Okay.

13 A. I mean, that's just my

14 assumption.

15 Q. Okay. Thank you. Where's
16 your fire hose kept on your section,
17 on Three section?

18 A. We got containers for it, like
19 garbage cans, like rubber garbage
20 cans and we got the fire hose down
21 inside.

22 Q. Where are those cans at, do
23 you know?

24 A. Right now? I want to say
25 about six breaks, if I remember

88

01 correctly, back from the feeder going
02 outby.

03 Q. Are they moved up in the
04 section?

05 A. Yeah, you've got to move them.

06 Q. Does the move crew move those
07 up, too?

08 A. Yeah.

09 Q. Have you worked in Nine
10 tailgate at all?

11 A. No.

12 Q. No. Have you talked with
13 other miners that work in different
14 areas of the mine?

15 A. Not usually I don't.

16 Q. No?

17 A. I have more since the

18 accident, because we've been all put
19 together, but ---.

20 Q. Yeah. Since the accident and
21 you've been working with other people
22 who worked in other areas, did you
23 happen to talk to anybody who had
24 worked in the longwall tailgate, Nine
25 tailgate?

89

01 A. I don't know if it was Nine or
02 Ten. I know he worked on longwall,
03 but he's outby now.

04 Q. Who's that?

05 A. Melvin Campbell.

06 Q. Melvin Campbell.

07 A. I mean, we didn't talk about
08 anything to do with the longwall or
09 anything, just talked.

10 Q. Yeah. Okay. I guess I was
11 wanting to know if you talked to
12 anybody who worked on setting those
13 posts in the tailgate entry?

14 A. No.

15 Q. No? Do you know who did some
16 posts in the tailgate entry prior to
17 the fire, prior to the accident?

18 A. No, I don't.

19 Q. Do you know a B. Brown?

20 A. B. Brown.

21 Q. I know there's a Billy Brown.

22 Did you ever hear of Billy Brown?

23 A. As far as that works at

24 Aracoma?

25 Q. Yeah. No? Don't know?

90

01 A. No.

02 Q. Okay.

03 A. Everybody's got so many

04 nicknames, it's hard to say.

05 Q. Yeah. Is there anything that

06 occurred on the shift that you worked

07 on the 18th of January 2006 that is

08 noteworthy in your mind? Does

09 anything stand out, anything unusual?

10 A. No.

11 Q. Where were you when you heard

12 about the fire?

13 A. I was home. My dad called me

14 and woke me up and said, you might

15 want to call work. He said there's

16 something going on at Aracoma. He

17 heard something on the scanner. And

18 I said, what. I just woke up, you

19 know. And I called work and they

20 said, there's something going on but

21 we can't tell you what it is, just

22 stay home tonight. Okay. You know,

23 then --- of course, by the time, it
24 was worldwide coverage on the news
25 and I flip it on and we sat at our TV

91

01 screens for like two or three days to
02 find out what was going on.

03 Q. What time did your dad call
04 you, do you remember?

05 A. About --- let's see, I go in
06 at 11:00, so it was probably 9:30,
07 something like that.

08 Q. Okay. Are you aware of any
09 fires that have occurred at Aracoma
10 Alma?

11 A. No.

12 Q. How about any conditions that
13 resulted in producing a lot of smoke?

14 A. No.

15 Q. Do you know who Brandon Conley
16 is?

17 A. Brandon Conley? I believe I
18 know him but I'm trying to figure
19 out. Did he used to work on the
20 waterline with Jerome at one time?

21 Q. I don't know if he did or not.

22 A. I mean, I don't --- you asked
23 so I don't ---. I mean, ---.

24 Q. That's all right.

25 A. The name sounds familiar,

92

01 let's put it that way.

02 Q. You said the water hose ---

03 the fire hose is kept in a garbage

04 can. Do you know if anybody checks

05 that to make sure it's useable? You

06 know sometimes the stuff will ---?

07 A. Like rot or whatever.

08 Q. Yeah, dry rot or ---.

09 A. I know move crew doesn't. I

10 don't know who does.

11 Q. Okay. Do you know who's

12 responsible for ventilation at the

13 mine?

14 A. I don't know who. I believe

15 Dusty is, Dusty Dotson.

16 Q. Dusty Dotson.

17 A. On Three section I think. I

18 believe that's what they told me the

19 other day.

20 Q. On Three section he is?

21 A. Yeah.

22 Q. Did he say he was for the rest

23 of the mine, too?

24 A. He didn't say.

25 Q. Did he say somebody else was

93

01 ---?

02 A. He just said he got his old
03 job back.

04 Q. He got his old job back. Was
05 he happy about that?

06 A. I guess. I don't know.
07 Because he was like in charge of
08 handing out all the Three section
09 stuff and I don't know who's in
10 charge now. They change places like
11 the rest of them. You can't keep up
12 with them.

13 Q. I'm having trouble myself.

14 A. Too many chiefs and not enough
15 Indians.

16 Q. Did he say who replaced him?

17 A. No.

18 Q. No? Did you ever see the
19 water hose being used for --- the
20 fire hose, not the water hose, the
21 fire hose being used like the --- as
22 a wash-down hose or something using
23 it to, you know, keep a bearing cool
24 or ---

25 A. No.

94

01 Q. --- something like that? Have
02 you ever heard of anybody putting
03 water on a bearing to keep it cool?

04 A. No.

05 Q. No? Do you remember a while

06 back, there was a bearing that went

07 out on one of those main north belt

08 tails, maybe it was Four --- where

09 was that? Number Four belt in the

10 main north. Had to change a bearing

11 out. Were you involved with any of

12 that?

13 A. No.

14 Q. Okay. Have you ever

15 disconnected the high voltage cable

16 or trailing cables from the power

17 center prior to belt --- or power

18 being moved?

19 A. As far as ---?

20 Q. High voltage cable that enters

21 into the back of the transformer ---

22 A. No.

23 Q. --- the back of the power

24 center? No? Has one of the

25 electricians?

95

01 Q. As far what?

02 Q. Disconnected it?

03 A. Disconnected it?

04 Q. Yeah. Before ---?

05 A. Like when they add high line,

06 yeah they have to.

07 Q. Just when you add --- when you
08 add additional cable?
09 A. Yeah.
10 Q. When your sled that you're
11 pulling behind you runs out ---
12 A. Runs out, yeah.
13 Q. --- you've got to add cable
14 in?
15 A. Exactly.
16 Q. And you --- okay. Who does
17 that? Who adds the cable in?
18 A. Electricians.
19 Q. Electricians add it in?
20 A. Yeah.
21 Q. Or they bring another sled,
22 they have another sled and just pick
23 the empty sled out?
24 A. Yeah. But we go out and
25 figure eight it up and all that good

96

01 stuff. We bring it into them and
02 they do all the ---
03 Q. On the surface you do all the
04 figuring ---?
05 A. --- the easy work. We do all
06 the hard work for them. We rode in
07 and they make the splices.
08 Q. That stuff's heavy sometimes.

09 A. Yeah, it can be.

10 Q. Do you know if anybody

11 disconnects the cables for the

12 equipment from the power box when

13 it's --- before it's moved? Do you

14 know what I mean?

15 A. Yeah. Yeah.

16 Q. Do you disconnect all the

17 cables before you move it and then

18 drag each of them independently or

19 ---?

20 A. Yeah, because we have to move

21 the cables up, the scoop, pull them

22 around the block, then bring them

23 back in, then the electricians hook

24 them back up.

25 Q. Yeah. You guys move the belt

97

01 --- buggy anchors up, too?

02 A. Yeah.

03 Q. Who disconnects the cables, do

04 you know from a --- not the high

05 voltage cable, but the ---?

06 A. I guess whoever's getting

07 ready to move that equipment, knock

08 the breaker and pull the cat heads,

09 is that what you're talking about?

10 Q. Yeah. Would it necessarily be

11 the electricians or not? Could it be

12 anybody on move crew? Is that
13 something that the move crew does?
14 A. Yeah. I mean, ---.
15 Q. I'm making it harder than it
16 needs to be. That's --- I don't mean
17 it to be a complicated question. But
18 when you disconnect the cables, and
19 you have to pull them up around the
20 block, ---
21 A. Yeah, like if I would go to
22 get a buggy or cable or something,
23 then I would be the one to disconnect
24 it.
25 Q. It'd be you? Okay.

98

01 A. I mean, ---.
02 Q. That's all I was asking.
03 A. When I'm allowed to.
04 Q. Well, I didn't say you were or
05 you weren't. I was just asking who
06 does it, that's all.
07 A. That's what I need to know. I
08 guess I need to go back and find out.
09 You're scaring me there.
10 Q. Did anybody ever talk to you
11 about the hazards associated with
12 high voltage cables?
13 A. As far as ---?

14 Q. As far as ---

15 A. I mean, there's signs posted
16 there

17 Q. --- the high voltage being ---
18 do you know why those signs are
19 posted?

20 A. Because it's dangerous. I
21 mean, as far as with like --- just
22 like high voltage signs on
23 transformers with ---?

24 Q. Yeah.

25 A. I mean, ---.

99

01 Q. Are you aware of the shock
02 hazards that are associated with high
03 voltage that are much greater than
04 they are with low and medium voltage,
05 the potential for shock hazards as
06 far as ---?

07 A. I mean, I know there's a
08 hazard with electricity. I mean, if
09 you touch a bare wire, you're going
10 to get shocked. I mean, yeah, I know
11 that.

12 Q. Well, even though you don't
13 have bare wires, high voltage can
14 travel where low and medium voltage
15 can't much easier ---

16 A. Yeah. I ---.

17 Q. --- and that's why there's ---
18 did you guys ever put like guarding
19 --- you know, where you walk
20 underneath stuff?

21 A. Yeah.

22 Q. Did you ever put, you know,
23 guarding up on that?

24 A. We don't, no. Electricians do
25 the high line guarding and stuff.

100

01 Q. Do you know why they put the
02 guarding up here?

03 A. I guess it's so you won't get
04 something against a pair of studs
05 what I thought, but I mean ---.

06 Q. It's also so you don't
07 physically come in contact with an
08 energized high voltage cable.

09 A. Okay.

10 Q. Okay. And that's very
11 important. You might want to talk to
12 your supervisor, let him explain to
13 you some of the hazards that are
14 associated with it.

15 A. Okay.

16 Q. Okay? High voltage is very
17 dangerous. As you guys are
18 retreating out of a section --- well,

19 I guess you won't be retreating. I
20 guess you'll start retreating when
21 Three section starts pulling pillars
22 pretty soon, huh?
23 A. Yeah.
24 Q. Did you work on recovering any
25 of the equipment out of --- not

101

01 equipment, but rails and stuff out of
02 old Three section? You know, like
03 when you guys were putting --- did
04 you put rail into the new Three
05 section?
06 A. You're talking about track?
07 Q. Yeah.
08 A. No.
09 Q. No?
10 A. Uh-uh (no). Didn't do that.
11 Q. Okay. You didn't work on
12 recovering any of the stuff out of
13 old Three section?
14 A. We have --- I mean, I don't
15 know if it was on the old Three
16 section, we had to go get our ---
17 recover our belt structure and reuse
18 it for a move. But when we got to
19 this new Three section, they got us
20 new structure and stuff, so we didn't
21 have to go do all that.

22 Q. When you were recovering that
23 stuff, did you have to knock any
24 stoppings out?

25 A. No.

102

01 Q. No?

02 A. Because it was right beside
03 the track.

04 Q. Have you ever had to remove
05 stoppings?

06 A. Yeah.

07 Q. Do you recall any details
08 around that?

09 A. You mean, as far as ---?

10 Q. Why you had to move --- or
11 take them out? Why you had to knock
12 them out?

13 A. To get to where we was going,
14 then build them back when we come
15 back out to keep the ventilation
16 going. I mean, that's basically the
17 only reason.

18 Q. Where would that have been?

19 A. I think it was like --- it
20 might have been after the fire even
21 when we was going up there, setting
22 the props and stuff.

23 Q. Do you know if it was before

24 that?

25 A. Not as far as --- I'm trying

103

01 to think. I mean, most of the time,
02 we knock them, we build it back. We
03 had to build it back. I always
04 remember building, you know what I'm
05 saying? But I don't recall what it
06 was for. To go get --- well, maybe
07 --- wait a minute. The feeder, like
08 moving the feeder or something ---

09 Q. Yeah.

10 A. --- I think we had to knock
11 the stopping, turn the feeder out
12 when they was changing the feeder or
13 something, then we built the stopping
14 back.

15 Q. Okay. What have you heard
16 about the accident, the fire in
17 January this year?

18 A. Not too much. I mean, as far
19 as ---.

20 Q. Have you heard what caused it?

21 A. No.

22 Q. Or have you heard what anybody
23 suspects caused it, I should say? If
24 everybody knew everything in this, we
25 wouldn't be doing the investigation.

104

01 A. We wouldn't be here, I guess.
02 No. But I think dad told me that
03 somebody --- that he had heard --- I
04 don't know how he hears stuff, but he
05 says it might have been a grease
06 fire. I said I haven't heard
07 anything. I mean, ---. I mean, I've
08 never asked anybody, so ---.

09 Q. Have you seen a lot of grease
10 laying around where you're greasing
11 rollers and that?

12 A. No.

13 Q. No? How about the tail
14 roller, do you guys grease the tail
15 rollers, too, or does the section
16 crew take care of that?

17 A. I guess the beltman does, we
18 don't do it.

19 Q. The beltman does.

20 A. I guess. I'm just
21 speculating, because I know the
22 beltman on the main six-foot belts
23 do. I know they have to take care of
24 all that.

25 MR. BEITER:

105

01 Bill?

02 MR. TUCKER:

03 I have just a few
04 questions for you.

05 A. All right.

06 BY MR. TUCKER:

07 Q. Charles, I might be bouncing
08 around here a little bit, so just
09 bear with me. Just to talk a little
10 bit about moving the power. Have you
11 ever had to like use a buggy to pull
12 a power center, say, if the scoop's
13 down or --- ever had that problem
14 where you use a buggy to pull the
15 power center?

16 A. I don't think we've ever used
17 a buggy.

18 Q. Okay. You mentioned you
19 started out at Aracoma as a
20 contractor. Who did you work for as
21 a contractor?

22 A. Apollo.

23 Q. Apollo? And how long was
24 that?

25 A. Two months.

01 Q. Two months. When you started
02 with Aracoma, was you still a red hat
03 or ---
04 A. Yes.
05 Q. --- did you get your black

06 hat? Okay. Still a red hat. You
07 mentioned normally when you're
08 working on Three section, there may
09 be other people in the section. You
10 mentioned some electricians that
11 normally is up there with you.

12 A. The Three section
13 electricians, yeah.

14 Q. Is there anybody else that
15 works up there, other than like your
16 move crew and the electricians or is
17 that pretty much it?

18 A. That's pretty much it, just
19 the electricians and us, two crews.
20 Seven of us total. Three move crew
21 and the boss, then three
22 electricians.

23 Q. Okay. So like when J.J. had
24 quit and was no longer going with
25 you, then there would only be ---

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01 A. Six of us.

02 Q. --- three electricians and
03 three people on the move crew?

04 A. Right. That's when Tony --- I
05 think Tony had to do the fire bossing
06 stuff. He had his foreman papers or
07 something.

08 Q. Is he one of the electricians?
09 A. Yeah.
10 Q. Tony ---?
11 A. Dougherty (phonetic) I think
12 is last name.
13 Q. Dougherty?
14 A. Yeah.
15 Q. When you move the belt, how do
16 you get the power off the belt or how
17 do you go about that?
18 A. J.J. always took care of that,
19 went down to the belt head and took
20 cat heads out, I guess, whatever he
21 did. I mean, he always took care of
22 it.
23 Q. So your foreman would take
24 care of it?
25 A. Right.

01 Q. And you mentioned after he
02 left, you don't recall if you ---?
03 A. We never did move belt again,
04 it was only two days or three before
05 the fire.
06 Q. Right. Until the fire. Okay.
07 I may not have heard you right, when
08 you were asked if you knew Brandon
09 Conley, I thought you had asked back
10 that is he the guy that worked with

11 Drum?
12 A. Jerome.
13 Q. Jerome?
14 A. Jerome.
15 Q. Okay. I'm wrong on that part.
16 On the waterline?
17 A. Yeah.
18 Q. Okay. So I was half ---.
19 A. He does the pumps ---
20 Q. I was half right.
21 A. --- Jerome does basically.
22 Q. So it's working on the pumps
23 like ---?
24 A. Yeah, he puts the pumps in,
25 and hooks the water hose up.

109

01 Q. Okay. Okay.
02 A. Does he or ---?
03 Q. That's why --- I was just
04 trying to clarify in my mind that ---
05 A. That's what I was trying to
06 figure out who you were talking
07 about.
08 Q. --- you mentioned that he
09 worked on the waterline.
10 A. Right.
11 Q. I didn't --- I was just trying
12 to clarify ---

13 A. If it's the same guy I'm
14 thinking ---.

15 Q. --- if it had something to do
16 with the supply system on the
17 waterline but you're saying it was
18 working on a pump?

19 A. If it's the same guy I'm
20 thinking about, I think he quit.

21 Q. Yeah. Okay. Have you ever
22 participated in moving equipment,
23 say, to tram something, a piece of
24 equipment from outside to the section
25 or to take something from ---

110

01 A. Yes.

02 Q. --- the section to outside?

03 A. Yeah, and I just told you the
04 feeder. When you ---.

05 Q. I mentioned you took --- you
06 mentioned you took it out ---

07 A. We took it off the section.

08 Q. --- you had to take a
09 stopping. But you actually took it
10 all the way out?

11 A. Yeah.

12 Q. Okay. Yeah, I missed that
13 part. I knew you had switched it
14 out, but I didn't realize you
15 actually took it outside?

16 A. Right. That's how come we had
17 to knock the stopping, to get it
18 outside. We took it out.

19 Q. Okay. Do you remember how you
20 trammed that out as far as what route
21 you took?

22 A. No. I mean, I think it was
23 down the return, but I'm not real
24 sure.

25 Q. Was that on Three section?

111

01 A. I think that would have been
02 old Three section.

03 Q. Old Three section.

04 A. I'm not real sure on what
05 route it was. It might have been the
06 intake. I do know we had to knock a
07 stopping to get out.

08 Q. Okay. Would that have been
09 done on the midnight shift?

10 A. It was done over the course
11 --- we would tram it as far as we
12 could get it and then --- then when
13 we got to that stopping that night,
14 we trammed it through, then built the
15 stopping back and then got it out to
16 the track, then trammed it on out
17 down the track and stuff. I mean, it

18 was done over the course of a couple
19 days.

20 Q. Right.

21 A. We couldn't ---.

22 Q. Yeah. Yeah. Couldn't make
23 the trip ---?

24 A. I mean, you can't ---.

25 Q. It wasn't no quick trip?

112

01 A. No. By the time you flip that
02 cable and everything. That's
03 basically what we was involved in was
04 talking --- flip-flopping the cable
05 and the move box and that stuff.

06 Q. Do you recall approximately
07 when that would have been?

08 A. No. I mean, I just --- that
09 was in my mind. That's been ---
10 whenever old Three section would have
11 been up and running, we got that new
12 feeder.

13 Q. Okay. So it's been a while
14 back?

15 A. Yeah.

16 Q. Okay.

17 MR. TUCKER:

18 I think that's all I
19 have for now, Denny. Thank
20 you, Charles.

21 MR. BEITER:
22 Well, you cleared a
23 couple things up, but you
24 raised some questions. Let me
25 clear some of those things up.

113

01 BY MR. BEITER:
02 Q. Why did you have to take the
03 feeder down the return?
04 A. I'm not sure. Like I told
05 him, I don't know if it was the
06 return or the intake.
07 Q. If it was down the intake, why
08 would you have to knock a stopping
09 out? I guess ---.
10 A. The only thing I know is when
11 we got down to the --- the tracks
12 comes up ---
13 Q. Was it on old Three section?
14 A. On old Three section, right.
15 Q. Can we look at this map up
16 here?
17 A. I wouldn't be able to ---
18 Q. That's all right.
19 A. I'm not good at maps.
20 Q. Was it near the mouth of Three
21 section where you knocked the
22 stopping out?

23 A. They had --- I'm trying to
24 figure out how to explain it to you.

25 Q. You said you moved the power

114

01 box out with it; right? Just ---.

02 A. The move box.

03 Q. The move box. Is a move box
04 different than a power box?

05 A. A move box is just a little
06 dinky box that it's got a cable
07 feeding it.

08 Q. What's it get fed from? From
09 another power center?

10 A. Yeah.

11 Q. Was it --- where you were
12 moving this feeder, was it in the
13 entry where your high voltage cable
14 was located?

15 A. I'm not sure.

16 Q. How did the move box get
17 power?

18 A. We had to get it --- I think
19 at first we got the feeder, however
20 many breaks the cable was on it, it
21 stayed at the power box.

22 Q. Yes.

23 A. Moved it back and around.

24 Q. Yes.

25 A. Got it down out there, and

01 then hooked the move box up and

02 that's ---.

03 Q. Hooked the move box up to ---?

04 A. To the same power center.

05 Q. Yes.

06 A. Okay. Then once you ran out

07 of cable there, then you had to go

08 back and get your power. I guess

09 there was enough cable, because I

10 just remember having to flip it down

11 and then I don't know you just go to

12 a different power box.

13 Q. Just like leapfrogging?

14 A. Yeah, and like when those

15 power boxes --- when we brought it

16 outside on six-foot belts, there's

17 different power boxes overhead,

18 there's a power box usually, so we

19 had enough cable and move box to go

20 over there and put the cat head in or

21 whatever and come down, flip-flop it

22 down to the next box and just work

23 its way outside.

24 Q. When you got out to the six-

25 foot belts, was that --- you were in

01 the main north travelway? Was you on

02 the regular travel road when you were
03 coming out with that?

04 A. That was in the intake.

05 Q. You were in the intake with
06 that?

07 A. Yeah.

08 Q. Was them people working inby
09 you on that?

10 A. I'm not sure. I don't think
11 --- I don't ---.

12 Q. When you were leapfrogging the
13 move box, it has tether on it --- it
14 has a cable on it, too?

15 A. Right.

16 Q. And then you connect it to
17 another transformer; right, ---

18 A. That's right.

19 Q. --- another power center to
20 get power for the move box? Did you
21 have to take that cable from the move
22 box through a stopping to get to the
23 power center that you were connecting
24 it to?

25 A. Yeah, I think so. Like we

117

01 might have to knock one block out and
02 put the cat head through, then we'd
03 pull it back out, repair it and
04 plaster it back up.

05 Q. Yeah. What direction --- do
06 you remember when you were knocking
07 the hole in the stopping, what
08 direction the air was going? Was it
09 going from you to the ---?

10 A. The intake's coming here,
11 knock it here, it would go out into
12 the --- we went out into the belt
13 entry. We had to because the intake
14 air was coming up and this is the
15 intake, it would come over.

16 Q. So are you saying you were in
17 the intake when you were moving it?

18 A. Uh-huh (yes).

19 Q. Do you recall what direction
20 the air was going, like towards the
21 face or away from the face in the
22 entry that you were moving the feeder
23 in?

24 A. Well, as far as where the face
25 was, I don't know because this intake

118

01 here travels up beside the belt line.

02 Q. Right.

03 A. And then it goes up there and
04 goes --- it would have to be going
05 inby.

06 Q. It was going inby?

07 A. Right.

08 Q. So when you said return, do
09 you think it was still in a return
10 when you were talking about that now?
11 Now that you're thinking about it
12 more?

13 A. No. I know now it was in the
14 intake, because once I thought about
15 it.

16 Q. Yeah.

17 A. But I just --- I just didn't
18 recall. I don't --- you know what
19 I'm saying?

20 Q. I know. That's why.

21 A. The time --- but now when I
22 think going back, because I --- it
23 was in the intake coming out.

24 Q. Well, that's why it's good to
25 kind of go back through some of the

119

01 things, because ---

02 A. Yeah.

03 Q. --- sometimes your memory ---
04 you talk about it more, it might
05 refresh it more, ---

06 A. Right.

07 Q. --- you know, so ---. Okay.
08 So you --- what I'm hearing, you're
09 thinking that was in the intake?

10 A. Right.

11 Q. Why would you have had to
12 knock a stopping out at the front end
13 or to go from --- if you were in the
14 intake and you trammed the intake all
15 the way down to the Threeway ---

16 A. Yeah.

17 Q. --- did you tram it all the
18 way down to the Three ---? Why would
19 you have to knock a stopping? I
20 guess I'm trying to figure out in my
21 mind here that you got intake air
22 going to your section

23 A. Uh-huh (yes).

24 Q. And you're in the intake and
25 you're coming out and you follow that

120

01 intake all the way out the box cut
02 and then get into the neutral out of
03 the box cut, go out of the mine.

04 A. Yeah, right. You would get
05 into ---.

06 Q. I'm trying to figure out why
07 there's a stopping across that
08 intake?

09 A. Separating the --- not across.
10 But separating the intake from the
11 neutral because your belt line's on

12 the neutral, see what I'm saying?

13 Q. Yeah. Is that the stopping

14 you had to knock, the first one?

15 A. There was one up on old Three

16 section, one that has the curve that

17 went through here. Tracks went

18 around.

19 Q. Yeah.

20 A. Okay. We had to knock that

21 stopping, bring the feeder out onto

22 the track.

23 Q. All right. Can you help me

24 out?

25 A. I can try.

121

01 Q. If you can't, then I'm not

02 going to worry about putting this in

03 as an exhibit. But maybe just help

04 me ask you the right questions, I

05 guess. This is a map here that shows

06 old Four Right --- or old Three

07 section?

08 A. Right.

09 Q. Okay. And there's some curve

10 down here, you can see these doors

11 over --- these are equipment doors;

12 okay? And all of them are --- may

13 not all be in there now and may not

14 have all been in there then. Okay.

15 But you kind of come in here off ---
16 this is the intake over here through
17 that door. You come through these
18 airlock doors and then you can ---
19 you got another turn over here coming
20 like so. Okay. And I guess that's
21 where the track was, so that's the
22 travelway down through there. Do you
23 remember what entry the belt was in?
24 Was the belt in this one over here?
25 A. That there was in the same

122

01 entry, Three section, we only had
02 four, four entries.
03 Q. I'm looking up through here
04 and here's a diagonal here so I don't
05 think that's --- this curves on down,
06 that was a belt entry. This entry's
07 pretty straight and there's another
08 overcast and possibly there's a
09 return coming across. So I'm
10 guessing that maybe this was --- this
11 was the travelway. Do you recall if
12 the belt in the travelway was in the
13 same entry here? Once you came
14 through the airlock doors, was your
15 belt and track in the same entry for
16 old Three section?

17 A. Yeah, and the belt. The track
18 was in the same entry.

19 Q. Pardon?

20 A. The belt and track ---.

21 Q. It was? In Three section ---

22 old Three section? So once you came

23 through the airlock doors, you were

24 in common with your belt coming

25 around the block here and then you

123

01 got in the track --- this was all

02 track up here, wasn't it? And then

03 the track is running in the same

04 entry as your belt from this point

05 in? Is that right?

06 A. Yeah.

07 Q. Okay. Well, that's good. You

08 helped me understand that better.

09 Thank you. Okay. So now you're up

10 here. Now, there's two entries here;

11 right, one beside the common; right?

12 All right. Now, when you were

13 traveling the feeder out, ---?

14 A. We would have been in the

15 common right here.

16 Q. Yeah.

17 A. Because it was in the travel

18 on the side of it.

19 Q. All right. And then --- well,

20 what is that? Is that --- okay. I'm
21 still not understanding why you have
22 to knock the stopping out. Or is it
23 because you were on the backside of
24 the belt, couldn't get across the
25 belt aisle?

124

01 A. I'm not sure what it was. I
02 just know that when stuff come -- the
03 track come up ---

04 Q. Yeah.

05 A. --- I could draw you a
06 picture. I can't tell you nothing
07 with this map.

08 Q. No, that's all right.

09 A. I mean, it's ---.

10 Q. Some people are --- maps help
11 them and some people they don't think
12 about maps in their mind when they're
13 underground.

14 A. Well, I mean, as far as that,
15 looking at that, I can't tell you
16 where we're at underground. I'm just
17 assuming that you say you're saying
18 that's a door and that's a door so
19 ---. And when we come through, I
20 think the air went up there, the
21 supply, and somehow had come back

22 around and across. I'm not sure. I
23 mean, I don't know too --- I have not
24 been it long enough to get into the
25 maps.

125

01 Q. You said you built back that
02 stopping though?

03 A. Right.

04 Q. Was it just one that you had
05 to knock or was it two?

06 A. Yeah, just the one.

07 Q. Just one?

08 A. We had put a man door in it.

09 Q. When you built it back? Why
10 did you put a man door in it?

11 A. That's what they was supposed
12 to do.

13 Q. Put a man door. There wasn't
14 one in it when you knocked it out?

15 A. I don't think so.

16 Q. You just got my curiosity.

17 That's okay. But it's not going to
18 understand it, but that's okay. I
19 appreciate your patience there. You
20 know we talked a little bit earlier
21 --- well, before we leave this here,
22 do you remember --- you said that you
23 --- thinking back, you're thinking
24 that you were tramming outby in the

25 entry that was parallel to the belt,

126

01 the other common entry there beside

02 it.

03 A. Uh-huh (yes).

04 Q. Did you cross back under the

05 belt to get into the intake?

06 A. When we got into the intake, I

07 think the belt was gone further in

08 our intake. We was up --- with this

09 entry being up here, we got into the

10 intake here. And I think we went

11 down. I think the belt --- you know

12 what I'm saying? The belt was still

13 running parallel to that entry I

14 think, because when it come up, we

15 turned it. I'm not real sure that

16 long ago, it's been six, seven months

17 ago.

18 Q. Yeah. That's a long time. Do

19 you recall when you knocked the

20 stopping, did you hang a curtain or

21 anything before you knocked it out?

22 A. I believe we might have. I'm

23 not ---.

24 Q. Do you know which direction

25 the air was going when you knocked it

127

01 out? Was it coming into the entry
02 you were in or going away from you?
03 Was there a lot of air moving through
04 the --- through the place where there
05 was a stopping?

06 A. That I'm not sure.

07 Q. That's okay. I know it's
08 asking a lot to try to remember back,
09 something that on that day probably
10 didn't seem eventful.

11 A. Right. I mean, all I know we
12 had to knock it and build it back.

13 Q. Yeah.

14 A. I know we had to tram across
15 two blocks and ---.

16 Q. You remember work, that's
17 about it?

18 A. Yeah.

19 Q. That's all right. Do you
20 understand how the management
21 structure is layered at Aracoma? I
22 mean, as far as who works for who,
23 works for who, works for who, works
24 for who?

25 A. No.

128

01 Q. Well, I thought maybe you
02 might be able to help me, to tell you
03 the truth.

04 A. No.

05 ATTORNEY HEATH:

06 Nope, no questions.

07 MR. BEITER:

08 Mark, do you have any

09 clarifying questions?

10 ATTORNEY HEATH:

11 No questions.

12 MR. BEITER:

13 Okay. Thank you.

14 MR. BEITER:

15 Charles, on behalf of

16 MSHA, I thank you for

17 appearing here today and

18 answering our questions and

19 sharing your information about

20 the mine. Your cooperation is

21 very important to us as we

22 work to determine the cause of

23 the accident. If you wish,

24 you may go back now over any

25 answer that you have given

129

01 during this interview and you

02 may also make a closing

03 statement covering any

04 additional points you believe

05 should be raised. Do you have

06 anything you'd like to add?

07 A. No. Other than just the

08 question you said you might that an

09 exhibit, what was you talking about?

10 MR. BEITER:

11 Oh, if we use something

12 that we're going to ---.

13 A. Did I clarify it enough to

14 ---

15 MR. BEITER:

16 Well, I think the

17 clarifications ---.

18 A. --- I mean, where I won't be

19 called into court.

20 MR. BEITER:

21 No. The clarification

22 was that I don't think it's

23 going to be useful.

24 A. Okay.

25 MR. BEITER:

130

01 Okay. So ---.

02 A. You had me scared. I was like

03 --- I was trying to think of what was

04 going on here.

05 MR. BEITER:

06 No. An exhibit is just

07 something that accompanies

08 your transcript, the report

09 --- a written record of your
10 interview. So like if we used
11 this map and you drew some
12 lines on it and you were
13 identifying something on the
14 map, if you just read the
15 transcript, you wouldn't be
16 able to see it. Okay. So the
17 exhibit is just like a graphic
18 or a picture or ---
19 A. I thought you was --- when you
20 said exhibit ---

21 MR. BEITER:
22 --- or a document that
23 would be ---

24 A. --- I thought you was calling
25 me into court or something.

131

01 MR. BEITER:
02 --- referred to.

03 A. I was like ---.

04 MR. BEITER:
05 No. It's just ---.

06 A. It's like what am I getting
07 myself into here.

08 MR. BEITER:
09 No. It's just the
10 process ---.

11 A. That's fine.

12 MR. BEITER:

13 And it's a term that's
14 used in the process to
15 describe anything that is ---
16 it's entered in as part of
17 your interview and it
18 accompanies the transcript.
19 Mark understands.

20 ATTORNEY HEATH:

21 Yeah. If it's
22 attached, they call it an
23 exhibit.

24 MR. BEITER:

25 Yes. Okay. So that

132

01 was all that that was about
02 and since we didn't make any
03 notations on the wall map
04 there, there's no sense
05 in ----.

06 A. Okay.

07 MR. BEITER:

08 We didn't refer to
09 anything really, except for me
10 and you talking. It's not
11 going to show up as anything
12 useful in the transcript. But
13 after going through that

14 discourse with you, I realize
15 that there was nothing useful
16 to gain so there wasn't any
17 sense in clarifying anything
18 further. So that is just an
19 explanation of what the ---
20 about the exhibit.

21 A. Okay.

22 MR. BEITER

23 We ask that you not
24 discuss your interview today
25 with any person who may have

133

01 already been interviewed or
02 who may be asked to be give a
03 statement in the future. And
04 we ask this to ensure that we
05 obtain everyone's independent
06 memory of the events
07 surrounding the accident.

08 BY MR. BEITER:

09 Q. You know one question before I
10 finish this up. And you said you
11 have had an opportunity to discuss
12 things with some of the guys that
13 work at the mine since you've been
14 working with them in a different
15 capacity and in different work groups

16 than what you had prior to the
17 accident. Is there anything that
18 comes to mind that --- you know, how
19 this accident could have been
20 prevented or any discussions that
21 you've had that make you see things
22 differently?

23 A. We really haven't discussed
24 the accident. I mean, basically the
25 discussion wasn't even about work and

134

01 stuff. We was just out there talking
02 when we're all together, you know,
03 just talking about different things.

04 Q. Yes.

05 MR. BEITER:

06 Charles, after
07 questioning other witnesses
08 and obtaining additional
09 information, we may ask you
10 back for further questions.

11 If at some point you
12 have additional information
13 regarding the accident that
14 you would like to provide us,
15 please contact Mr. Kenny
16 Murray. I don't know if you
17 remember --- he had left the
18 room now, but he was back here

19 earlier. And he's our lead
20 accident investigator for this
21 accident investigation. And
22 his staff assistant, Anthony
23 Webb. I saw you looking in
24 the back, he's sitting right
25 beside me here. They both

135

01 work in the same office for
02 MSHA in Pikeville, Kentucky.
03 And here's a set of their
04 contact cards that have their
05 telephone numbers on them.
06 And if at some later point,
07 you have additional
08 information regarding the
09 accident, if you could contact
10 Mr. --- please feel free to
11 contact Mr. Murray or Mr.
12 Webb.

13 The Mine Act provides
14 certain protection for
15 individuals who participate in
16 accident investigations. And
17 if at any time you believe
18 that have been treated
19 unfairly because of your
20 cooperation in this

21 investigation, please
22 immediately contact Mr. Murray
23 or Mr. Webb. Again, Charles,
24 thank you for your assistance.

25 MR. TUCKER:

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01 Also on behalf of
02 Miner's Health, Safety and
03 Training, Charles, I'd like to
04 thank you for coming in today.
05 And the State law also offers
06 similar protection against
07 discrimination. And if you
08 need to contact us about
09 anything, if something would
10 come to mind about the
11 accident that you think would
12 be beneficial or whatever it
13 may be, here's one of my
14 cards, you can contact me.
15 This is C.A. Phillip's card,
16 he's our Deputy Director out
17 of our Charleston office. And
18 thanks for coming in again.
19 A. Okay. I appreciate it.

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21 EXAMINATION CONCLUDED AT 9:48 A.M.

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