

01 EXAMINATION UNDER OATH
02 OF
03 JASON T. ADKINS
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 Thursday, April 13, 2006, at 9:59
13 a.m.

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

02

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04 Assistant Inspector at Large

05 West Virginia Office of

06 Miners' Health, Safety & Training

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3

01 A P P E A R A N C E S (continued)

02

03 ALSO PRESENT:

04 DENNIS A. BEITER

05 RONALD W. STAHLHUT

06 CHARLES W. POGUE

07 C.A. PHILLIPS

08 EUGENE WHITE

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01 I N D E X

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01 P R O C E E D I N G S

02 -----

03 MR. BEITER:

04 Good morning. My name
05 is Dennis Beiter. I represent
06 the Mine Safety and Health
07 Administration, which is an
08 agency of the U.S. Department
09 of Labor. I am a member of
10 MSHA's accident investigation
11 team that's assigned the task

12 of investigating the accident
13 that occurred at the Aracoma
14 Coal Company, Incorporated,
15 Aracoma Alma Mine Number One
16 on January 19th, 2006.

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

7

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

07 ATTORNEY BELL:

08 Good morning, Jason.
09 My name is Keith Bell from the
10 Solicitor's Office in
11 Arlington, Virginia.

12 MR. STAHLHUT:

13 Ron Stahlhut, MSHA,
14 Vincennes, Indiana.

15 MR. POGUE:
16 Charlie Pogue, MSHA,
17 Hunker, Pennsylvania.

18 MR. FRANCCART:
19 Bill Francart,
20 Pittsburgh, Pennsylvania.

21 MR. BEITER:
22 And I work for MSHA in
23 Triadelphia, West Virginia.
24 Here with us today
25 representing the State of West

8

01 Virginia, Mr. Bill Tucker.
02 Mr. Tucker will be asking
03 questions for the State. At
04 this time Mr. Tucker has a
05 statement and wishes to
06 introduce his members that are
07 here today as well.

08 MR. TUCKER:
09 I appreciate you coming
10 in today, Jason. I need to
11 read a statement. The West
12 Virginia Office of Miners'
13 Health, Safety & Training is
14 conducting this interview
15 session jointly with MSHA.
16 We're in agreement with the

17 procedures outlined by Mr.
18 Beiter.

19 However, let me make it
20 clear that the Director
21 reserves the right, if
22 necessary, to call or subpoena
23 witnesses or require the
24 production of any record,
25 document, photograph or other

9

01 relevant materials necessary
02 to conduct this investigation.

03 My name's Bill Tucker.
04 I'm with Miners' Health,
05 Safety & Training. I work out
06 of the Oak Hill office.

07 MR. PHILLIPS:
08 Good morning, Jason.
09 My name is C.A. Phillips. I'm
10 the Deputy Director with
11 Miners' Health, Safety &
12 Training in Charleston, West
13 Virginia.

14 MR. WHITE:
15 Eugene White, District
16 Inspector out of Region Three,
17 Danville.

18 MR. BEITER:
19 This investigation is

20 being conducted by MSHA and
21 the State of West Virginia to
22 gather information to
23 determine the cause of the
24 accident and to help prevent
25 this from happening in the

10

01 future. These interviews are
02 an important part of the
03 investigation. After the
04 investigation is completed,
05 MSHA will issue a written
06 report detailing the nature
07 and causes of the accident.

08 MSHA accident reports
09 are made available to the
10 public in the hope that
11 greater awareness about the
12 causes of accidents can reduce
13 their occurrence in the
14 future. Information obtained
15 through witness interviews is
16 often used in these reports.
17 Your statement may also be
18 used in other enforcement
19 proceedings.

20 I would like to thank
21 you in advance for appearing

22 here today. We appreciate
23 your assistance in this
24 investigation. The
25 willingness of miners and mine

11

01 operators to work with us is
02 important in making our mines
03 safer.

04 This interview with
05 Jason Adkins is being
06 conducted under Section 103(a)
07 of the Federal Mine Safety &
08 Health Act of 1977 as part of
09 an investigation by the Mine
10 Safety and Health
11 Administration into the
12 conditions, events and
13 circumstances surrounding the
14 fatalities that occurred at
15 the Aracoma Alma Mine Number
16 One, located at Route 17
17 North, Bandmill Hollow Road,
18 Stollings, West Virginia,
19 25646.

20 This interview is being
21 conducted at the State of West
22 Virginia Department of
23 Environmental Protection,
24 Division of Mining and

25 Reclamation at 1101 George

12

01 Kostas Drive, Logan, West
02 Virginia, 25601 on April 13th,
03 2006.

04 Mr. Adkins, the
05 interview will begin by asking
06 you a series of questions.
07 Feel free at any time to
08 clarify any statements that
09 you make in response to those
10 questions. After we have
11 finished asking questions, you
12 will also have an opportunity
13 to make a statement of your
14 own and to provide us with any
15 other information that you
16 believe may be important.

17 You are permitted to
18 have a representative with you
19 during this interview, and you
20 may consult with that
21 representative at any time.
22 You may designate any person
23 to be your representative.

24 Following the questions
25 by MSHA and the State, this

13

01 representative will be given
02 the opportunity to ask
03 questions for purposes of
04 clarification on areas that
05 have already been discussed.

06 Your statement is
07 completely voluntary. You may
08 refuse to answer any question,
09 and you may end your interview
10 at any time. If you do not
11 understand a question, please
12 tell me and I will rephrase
13 the question. If you need a
14 break for any reason, please
15 let me know, we'll take a
16 break.

17 You may request the
18 opportunity to make a
19 confidential statement, which
20 we will withhold from the
21 public to the extent allowed
22 by law. Should you desire to
23 give a confidential statement,
24 you should advise me before I
25 begin your interview so that I

14

01 can reschedule your interview
02 in order to properly consider
03 your request. Do you want to

04 have a confidential interview?

05 MR. ADKINS:

06 It don't matter.

07 MR. BEITER:

08 Is that a yes or no?

09 MR. ADKINS:

10 No.

11 MR. BEITER:

12 Thank you. A court
13 reporter will record your
14 interview and will later
15 produce a written transcript
16 of the interview. I ask that
17 all your answers be stated
18 verbally, because the court
19 reporter cannot record
20 gestures, like nodding your
21 head and shaking your head no.

22 Neither the transcript
23 of this interview nor the
24 content of this interview will
25 be released to the public or

15

01 the media until MSHA's final
02 accident investigation report
03 is issued, or until required
04 by court order or until a
05 public hearing takes place.

06 If any part of your
07 statement is based not on your
08 own firsthand knowledge, but
09 on information that you
10 learned from someone else,
11 please just let us know that.

12 Please answer each
13 question as fully as you can,
14 including any information that
15 you learned from somebody
16 else. We may not ask you the
17 right questions to learn the
18 information that you have, so
19 don't feel limited by the
20 precise wording of the
21 questions. If you have
22 information about the subject
23 area of a question, please
24 provide us with that
25 information.

16

01 Mr. Adkins, do you have
02 any questions about the manner
03 in which this interview will
04 be conducted?

05 MR. ADKINS:

06 No.

07 MR. BEITER:

08 Can you please swear or

09 affirm the witness.

10 -----

11 JASON T. ADKINS, HAVING FIRST BEEN

12 DULY SWORN, TESTIFIED AS FOLLOWS:

13 -----

14 BY MR. BEITER:

15 Q. Would you please state your
16 full name, address, telephone number,
17 including area code, and please spell
18 your last name for the record?

19 A. Jason Thomas Adkins,

20 [REDACTED]

[REDACTED]

24 Q. Thank you. Mr. Adkins, may I
25 call you Jason?

17

01 A. Yeah.

02 Q. And you can call me Denny, and
03 Bill, if it's comfortable with Bill.
04 Are you appearing voluntarily at this
05 interview today?

06 A. Yes.

07 Q. Has anyone made any promises
08 to you for giving this statement?

09 A. No.

10 Q. Has anyone offered you any

11 rewards in exchange for making this
12 statement?

13 A. No.

14 Q. Has anyone threatened you or
15 warned you not to provide this
16 statement?

17 A. No.

18 Q. Do you understand that you may
19 refuse to answer any question or
20 terminate, end this interview at any
21 time?

22 A. Yes.

23 Q. Do you have a representative
24 with you?

25 A. No.

18

01 Q. Do you wish to proceed without
02 one?

03 A. Yes.

04 Q. Have you been interviewed by
05 the company before today?

06 A. No.

07 Q. Did you attend a meeting at a
08 local grade school?

09 A. No.

10 Q. No. Jason, how long have you
11 worked at the Aracoma Alma Mine
12 Number One?

13 A. Five years and four months.

14 Q. What is your current job
15 title?

16 A. Miner operator.

17 Q. And how long have you held
18 that position?

19 A. About a year and a half.

20 Q. Do you rotate shifts?

21 A. Yes.

22 Q. What are the shifts that you
23 work?

24 A. Day and evening.

25 Q. What was your job title on

19

01 January 19th this year?

02 A. Miner operator.

03 Q. And did you work that day?

04 A. Yes.

05 Q. What shift did you work?

06 A. Day.

07 Q. Do you hold any state or

08 federal mine examination

09 certifications or qualifications?

10 A. I have --- I think I hold a

11 dust sampler's card and a shotfirer's
12 card.

13 Q. And a shotfirer's card. Do

14 you record any examinations?

15 A. No.

16 Q. Do you fill out record books
17 for any other reasons?
18 A. No.
19 Q. What other jobs have you held
20 at this mine?
21 A. Roof bolter operator, scoop
22 operator, just general labor.
23 Q. How many total years of
24 experience in mining do you have?
25 A. About six and a half,

20

01 something like that.
02 Q. What did you --- what did you
03 do in addition to your time that
04 you've spent here?
05 A. At the Alma Mine?
06 Q. Yes.
07 A. Like at other jobs, or ---?
08 Q. Yes, in mining.
09 A. Just general outby.
10 Q. Who's your normal supervisor?
11 A. Like my boss?
12 Q. Uh-huh (yes).
13 A. Dave Meade.
14 Q. And what section did you
15 normally work on?
16 A. Three section.
17 Q. Was he your foreman? Was he
18 your boss on January 19th?

19 A. Uh-huh (yes).

20 Q. In what area of the mine did
21 you work that day?

22 A. Nine tail.

23 Q. And what were you doing on
24 Nine tailgate that day?

25 A. Setting props.

01 Q. And was that because the
02 tailgate had fell in?

03 A. No. It hadn't fell in that
04 I'm aware of.

05 Q. Not necessarily where you were
06 actually supporting the roof, but at
07 the longwall face?

08 A. Oh, I don't know.

09 Q. You don't know?

10 A. No.

11 Q. Okay. When did you find out
12 that you were going to be assigned
13 that work that day?

14 A. Before we went underground
15 that morning.

16 Q. That day?

17 A. Yeah.

18 Q. How many people were working
19 with you up there?

20 A. Let's see. It was probably me

21 and four other guys.

22 Q. Do you recall their names?

23 A. Billy Maynard, Benjamin Toler,

24 Brandon Lusk and Dave Meade, I'm

25 pretty sure.

22

01 Q. Do you recall --- are you

02 familiar with the mine map of that

03 area of the mine?

04 A. I'm not too familiar with that

05 part of the mine, no, sir.

06 Q. Okay. Do you recall when you

07 traveled into that area that day

08 going through airlock doors at the

09 mother drive?

10 A. Uh-huh (yes).

11 Q. And there were two sets?

12 A. Yeah.

13 Q. Two on the outby side of the

14 belt and two on the inby side? Did

15 you happen to open either of those

16 sets of doors?

17 A. No.

18 Q. How about when you left that

19 day?

20 A. No.

21 Q. Did you all ride the same

22 mantrip into that area?

23 A. Yes.

24 Q. Do you recall after going
25 through the inby set of airlock doors

23

01 how you made your way into Nine
02 tailgate?

03 A. Just traveled the roadway
04 there.

05 Q. Just straight ahead?

06 A. I can't remember. We just
07 traveled their --- you know, their
08 roadway to the section there.

09 Q. Okay. Like you were going up
10 to Two section?

11 A. Yeah.

12 Q. I guess you didn't go all the
13 way to Two section?

14 A. Well, since then, it's been
15 changed a little bit, but ---.

16 Q. Yes, it has.

17 A. But we pretty much stayed on
18 the roadway that they traveled ---

19 Q. Yes.

20 A. --- to Nine tail.

21 Q. Do you recall traveling into
22 Nine tailgate, walking in Nine
23 tailgate?

24 A. Yeah.

25 Q. Do you recall going through

01 any ventilation controls, any doors

02 or stoppings to get down there?

03 A. Yeah, we went to the set of

04 doors.

05 Q. Was that a set of equipment

06 doors?

07 A. Yeah, I believe so.

08 Q. Was that in Nine tailgate

09 itself?

10 A. Yeah.

11 Q. Do you recall ---?

12 A. Yeah, it was Nine tailgate.

13 Q. Do you recall if a curtain

14 hung across the doors, as well, to

15 prevent air from leaking through it

16 as much?

17 A. There may have been one there,

18 but I can't remember if it hung ---.

19 I do good in remembering yesterday.

20 Q. It's been a while. Do you

21 remember if that door was closed

22 while you working in there?

23 A. Yes.

24 Q. Was it closed when you first

25 got to it? Did you have to open it

01 to get in?

02 A. Yeah, because some of the men

03 had went on through, and then I come
04 through.

05 Q. Somebody else already ---

06 A. Yeah.

07 Q. --- got there before you?

08 A. Yeah.

09 Q. Was it left open until you got
10 there?

11 A. No. It was closed when I got
12 to it.

13 Q. And did you close it after you
14 went through it?

15 A. Yes.

16 Q. When you left at the end of
17 the day, do you know who the last
18 persons through the door were?

19 A. No.

20 Q. Was it you?

21 A. Uh-uh (no). No.

22 Q. Do you know if they hung a
23 curtain over the door after they
24 passed through it?

25 A. I don't know.

26

01 Q. When you arrived in Nine
02 tailgate, were there already timbers
03 that had been delivered?

04 A. Yes.

05 Q. Do you know when they had been
06 delivered?

07 A. No.

08 Q. Do you know how they got in
09 there?

10 A. No.

11 Q. Had you ever worked in Nine
12 tailgate prior to that? Not during
13 the development of the section.

14 A. No.

15 Q. Not during, but since the
16 longwall had started mining coal?

17 A. No. I have not been down in
18 there since the longwall had started.

19 Q. You were on that section
20 development though?

21 A. Yes.

22 Q. Have you ever worked on any
23 other ventilation controls outside of
24 on Three section?

25 A. No.

27

01 Q. How about building an
02 overcast?

03 A. No.

04 Q. Have you ever installed any
05 belt structure besides Three section
06 up in the 72-inch belt structure up
07 on northeast mains?

08 A. No.

09 Q. Did you ever work on the
10 longwall belt?

11 A. Nope.

12 Q. Did you ever work on that
13 Number Seven belt?

14 A. No.

15 Q. That's the belt coming over
16 that the longwall belt dumps on.

17 A. No.

18 Q. No. Did you ever lay
19 waterline? Not on Three section, up
20 on the longwall belt area.

21 A. No.

22 Q. What about two-inch firewater
23 line?

24 A. No. You are asking if I had
25 done this before the accident?

28

01 Q. Before the fire.

02 A. No.

03 Q. Before the accident, yes.

04 A. No.

05 Q. Would you happen to know the
06 direction of the airflow, the air
07 pressure that was on the doors on the
08 inby side of the mother drive?

09 A. Uh-uh (no).

10 Q. Have you ever hauled material?

11 A. No.

12 Q. Have you ever heard of any
13 discussions about airflow on the
14 longwall face being affected by the
15 tailgate falling in?

16 A. No.

17 Q. Did you ever hear anything
18 about low airflow on the longwall
19 face and the airflow direction
20 problems on the longwall belt on the
21 18th that were cited by a state
22 inspector?

23 A. No.

24 Q. No. Do you know anything
25 about that at all, how those

29

01 conditions were corrected?

02 A. No.

03 Q. On the 18th, did you load coal
04 on Three section?

05 A. Yes.

06 MR. BEITER:

07 That's the 18th of
08 January, for the record, of
09 this year.

10 BY MR. BEITER:

11 Q. Do you know Billy Brown?

12 A. Yes.

13 Q. Do you know a gentleman by the
14 name of A.C.?

15 MR. TUCKER:

16 A.C. Kline.

17 BY MR. BEITER:

18 Q. A.C. Kline?

19 A. Yes.

20 Q. And have you --- since the
21 accident, have you heard them
22 discussing anything about, either of
23 those individuals, about a
24 ventilation change that was made
25 prior to the accident?

30

01 A. No.

02 Q. Did anybody bring in
03 additional roof support materials
04 while youns were working there that
05 day?

06 A. Not that I know of.

07 Q. Did you set all the timbers
08 that were available to set?

09 A. No. There was some left over
10 when we left.

11 Q. There were?

12 A. There was a few left, if I'm
13 recalling correct.

14 Q. Do you know how many you set

15 that day?

16 A. I'd say 30 maybe, 40.

17 Q. They're pretty heavy, aren't
18 they?

19 A. Well, they ain't too --- they
20 ain't as heavy as they look.

21 Q. Aren't they? When you were
22 traveling back through the longwall
23 mother drive area at the end of the
24 day, do you know what time that would
25 have been?

31

01 A. That's about 15 minutes 'til
02 4:00 maybe. 3:30.

03 Q. 3:30, a quarter to 4:00?

04 A. Yeah.

05 Q. Was there anybody --- did you
06 notice anybody --- a beltman at the
07 mother drive?

08 A. Yes.

09 Q. Do you know who that would
10 have been?

11 A. I think it was Carl White, if
12 I ain't ---.

13 Q. Carl White?

14 A. Yeah.

15 Q. Where was he at, do you
16 recall?

17 A. He was standing at the mother

18 drive belt.

19 Q. At the drive or at the storage
20 unit site?

21 A. He was --- let's see.

22 Q. Because the drive's on the
23 uphill side, the storage unit's on
24 the downhill side.

25 A. He was --- he was --- as we

32

01 was coming out, he was standing on
02 the left there at the mother drive.

03 Q. So that would have been on the
04 storage unit side?

05 A. Yeah, that's right.

06 Q. Was he down there working or
07 was he just standing there?

08 A. He was standing there.

09 Q. Just by the roadway?

10 A. Yes.

11 Q. When you arrived on January
12 19th, that morning, for work, did you
13 expect to be mining on Three section?

14 A. Yes.

15 Q. Do you know why that work
16 assignment was changed?

17 A. I have no idea.

18 Q. Do you know if the area that
19 you worked in in the tailgate was

20 pre-shifted prior to ---?

21 A. I have no idea.

22 Q. Do you know if Mr. Meade

23 conducted a supplemental examination

24 before youns went into the area?

25 A. Yes, he did.

33

01 Q. He did?

02 A. Yeah.

03 Q. Did you see him conduct that?

04 A. He told us to stay where we

05 was at while he --- pretty much it.

06 Q. Thank you. Are you taken off

07 of production very often due to ---

08 A. No.

09 Q. --- construction work ---

10 A. No.

11 Q. --- or outby work?

12 A. No.

13 Q. So that was fairly unusual?

14 A. Well, we was pretty much

15 shorthanded, and ---.

16 Q. Is it typical to be

17 shorthanded?

18 A. Well, no, not --- as of late,

19 yeah, it has been.

20 Q. Well, prior to the accident?

21 A. It was pretty much shorthanded

22 then, too.

23 Q. Was it? When you're
24 shorthanded, what's the first thing
25 that goes? I mean, if you got X

34

01 number of people running a crew and
02 then you have X number of people
03 available for outby work, if you're
04 short of crew members for loading
05 coal, do you just bag the coal crew,
06 or do you bag some of the other outby
07 work, what these other people are
08 going to do, and they load coal with
09 a coal crew?

10 A. No. If we're shorthanded,
11 we're pretty much shorthanded when we
12 run coal.

13 Q. Okay. They don't usually pull
14 other people in from ---

15 A. No.

16 Q. --- outby work areas to fill
17 in for missing members of the crew?

18 A. No.

19 Q. Okay. When you came through
20 that storage unit area, the mother
21 drive area at the end of the day, did
22 you notice any haze?

23 A. No.

24 Q. Did you notice any funny

25 smells? Did you notice anything

35

01 different, anything unusual?

02 A. No.

03 Q. Anybody talk with Carl White

04 when you came through?

05 A. No.

06 Q. Have you ever participated in

07 a fire drill?

08 A. Yes.

09 Q. Do you ever travel your

10 escapeways?

11 A. Yes.

12 Q. Walk them?

13 A. Yes.

14 Q. Which one?

15 A. The one coming off of Three

16 section.

17 Q. The primary or secondary?

18 A. Primary.

19 Q. Do you remember what color the

20 reflectors were?

21 A. Green.

22 Q. Was that prior to the

23 accident?

24 A. Yes.

25 Q. Do you recall seeing any green

36

01 reflectors on that roadway between

02 the airlock doors and the mother
03 drive area?

04 A. No, I don't remember.

05 Q. Do you ever work on the
06 48-inch belts?

07 A. No.

08 Q. Have you ever heard of the
09 Mine Emergency Evacuation and
10 Firefighting plan?

11 A. No.

12 Q. It's a set of --- it's a
13 pretty thick set of pages that ---

14 A. Oh, yeah.

15 Q. --- goes over responsibilities
16 and actions ---

17 A. Yeah.

18 Q. --- in case of a fire
19 emergency.

20 A. Yeah. They're usually at the
21 power center.

22 Q. Okay. Have you received
23 instruction on that prior to the
24 accident, as far as your duties ---

25 A. Yes.

37

01 Q. --- in the event of an
02 emergency?

03 A. Yes.

04 Q. Do you know that there's a CO
05 system in your mine?
06 A. Yes.
07 Q. A continuous monitoring system
08 for CO?
09 A. Yes.
10 Q. Have you received any
11 instruction regarding it ---
12 A. No.
13 Q. --- and how it functions?
14 A. I pretty much know it monitors
15 CO and stuff.
16 Q. Have you received any
17 instruction as to actions to be taken
18 in the event of an alarm or an alert,
19 a warning?
20 A. No.
21 Q. Have you ever been notified
22 that there was an alarm or a warning
23 with the CO system?
24 A. Yes.
25 Q. Who notified you of that?

01 A. It's been a long time ago. I
02 don't recall.
03 Q. Was you working on the section
04 at that time?
05 A. I probably was.
06 Q. Did you work between Christmas

07 and New Year's last year, 2005?

08 A. No.

09 Q. Did you hear of anything after
10 coming back to work after the 1st of
11 the year? Did you hear anybody
12 discussing anything that might have
13 occurred relative to a fire on --- it
14 might have been the Number Five belt
15 tail?

16 A. No.

17 Q. Did you ever hear Junior
18 Robinson or Carl White talking about
19 it?

20 A. No.

21 Q. Do you know Brandon Conley?

22 A. I know of him.

23 Q. Are you aware of a radio
24 interview that was conducted between
25 Mr. Conley and the West Virginia

39

01 Public Radio?

02 A. No.

03 Q. Are you aware of a reported
04 occurrence on December 23rd, 2005 at
05 the mother drive that was similar in
06 nature to the events that led up to
07 the fire on January 19th?

08 A. No.

09 Q. When did you hear about the
10 fire?

11 A. Probably around 7:30, eight
12 o'clock on the day of the fire.

13 Q. The day of the fire. Were you
14 at the mine?

15 A. No, I was at home.

16 Q. What did you hear?

17 A. My sister-in-law called and
18 told me about it.

19 Q. Did you go out to the mine
20 that night?

21 A. No.

22 Q. When did you go to the mine
23 next?

24 A. The next morning.

25 Q. Did you work that day?

40

01 A. I worked from around 11
02 o'clock that day to around about 8:00
03 that evening.

04 Q. On the 20th, from 11:00 in the
05 morning until 8:00 in the evening?

06 A. Yes.

07 Q. What did you do?

08 A. I went and assisted the rescue
09 teams with drinking water. And I
10 laid some waterline for firefighting
11 efforts.

12 Q. Underground?

13 A. Yes.

14 Q. In the area of the ---

15 A. Yes.

16 Q. --- fire?

17 A. Yes.

18 Q. Did you extend it from the

19 48-inch belt ---

20 A. Yes.

21 Q. --- down towards the 72-inch

22 belt?

23 A. Yes.

24 Q. Do you recall the color of

25 that line? Was it blue or ---?

41

01 A. It was yellow.

02 Q. Yellow. Was the blue line

03 already installed beside it for a

04 distance, beginning at the 72-inch

05 belt --- I mean --- I'm sorry, ---

06 A. The 48-inch belt.

07 Q. --- the 48-inch belt?

08 A. There seems like there was.

09 Q. Do you recall if they were the

10 Christmas tree --- I call it a

11 Christmas tree. It's just a --- I

12 believe a belt --- the waterline was

13 either six or eight-inch diameter and

14 it had a reducer going down, and then
15 there was a --- two T's off of it for
16 the four-inch lines?

17 A. Uh-huh (yes).

18 Q. One of which you extended down
19 there?

20 A. Yes.

21 Q. Was that already in place, and
22 the mainline going to Two unit was
23 already broken at that point when you
24 first got there?

25 A. Yes, it had already been

42

01 broken.

02 Q. The waterline that youns
03 installed --- youns, I guess that's
04 my colloquialism. That you installed
05 on the 20th, was the water pipe
06 already there, or did they have to
07 bring it in?

08 A. As far as I know, it was
09 already there.

10 Q. It was there when you got
11 there?

12 A. Yeah. As far as I know.

13 Q. Did it look like a new pipe?

14 A. Yeah.

15 Q. How long did it take you to
16 install that line?

17 A. Approximately 30 minutes.

18 Q. All the way from the 72-inch
19 belt all the way down.

20 A. The 48-inch belt.

21 Q. I'm sorry.

22 A. Yes.

23 Q. And in that process, did youns
24 knock holes in a couple stoppings to
25 go through the ---?

43

01 A. I believe there was some holes
02 already there for the waterline ---
03 some waterline had already run
04 through it.

05 Q. Yes. Where the blue line was
06 running through?

07 A. Yes.

08 Q. And then did you run it all
09 the way down and across the Number
10 Seven belt all the way to the roadway
11 right by that airlock door?

12 A. Yeah, there's an airlock door
13 there and we run down to that.

14 Q. All the way down to there?

15 A. Uh-huh (yes).

16 Q. So it's about four crosscuts
17 or so?

18 A. Probably, something like that.

19 Q. And what did you do after you
20 got done with that?

21 A. I think that was the last
22 thing we did that day.

23 Q. At the end of the day is when
24 you got that?

25 A. Yeah.

44

01 Q. What did you do before
02 installing the waterline?

03 A. We took some supplies up that
04 they needed.

05 Q. Do you recall what they were?

06 A. I think we had a couple bow
07 saws and some waterline couplings and
08 stuff like that.

09 Q. While you were working on
10 that, did you hear any discussions
11 about the fire, what might have
12 caused it, or ---?

13 A. No.

14 Q. Who was directing your work
15 there?

16 A. I think Johnny Robertson told
17 us to lay the waterline. He needed
18 the waterline laid for the fire site.

19 Q. Were you told that before you
20 went underground, or were you told
21 that once you were underground and

22 just redirected?

23 A. We was redirected to lay the
24 waterline.

25 Q. Was Johnny Robertson

45

01 underground?

02 A. Yes.

03 Q. Did you do all of your work
04 outby the fresh air base? Do you
05 know where the fresh air base was?

06 A. Yes.

07 Q. Was all your work done outby
08 the fresh air base?

09 A. Yes.

10 Q. Do you know how many people
11 worked with you on that job?

12 A. On that specific job, ---

13 Q. Extended longwall drive.

14 A. --- three of us.

15 Q. Three of you. Do you recall
16 who the other two were?

17 A. Jason Sturgell and Charles
18 Leonard.

19 Q. Thank you. What other
20 activities were you involved with
21 during the rescue recovery operation?

22 A. Pretty much just whatever
23 needed to be done, you know.

24 Q. Did you work every day after
25 that?

46

01 A. Yes.

02 Q. Did you hear about any other
03 information regarding the fire during
04 that --- during the time from the
05 fire to now?

06 A. No.

07 Q. Did you hear anything about an
08 evacuation ---

09 A. Uh-uh (no).

10 Q. --- after the accident, as far
11 as how long the smoke might have been
12 seen at the longwall belt drive area,
13 mother drive area before evacuation
14 was called for?

15 A. No.

16 Q. Have you heard who ordered the
17 evacuation?

18 A. Do what now?

19 Q. Have you heard who the person
20 was who actually ordered the
21 evacuation?

22 A. No, I don't know.

23 Q. Have you heard about any other
24 fires at the mine except for the one
25 on January 19th, 2006?

47

01 A. No, not that I recall.

02 Q. Have you heard of any

03 instances where it may not have been

04 considered a fire, but a significant

05 amount of smoke was generated due to

06 a hot roller rubbing the belt or

07 anything like that, grease fire?

08 A. Uh-uh (no). No.

09 Q. Did you ever walk over to the

10 fire area at the mother drive while

11 installing waterlines?

12 A. Not that I recall.

13 Q. Had you ever actually put

14 water on the fire yourself?

15 A. No.

16 Q. How about foam?

17 A. No.

18 Q. Did you ever operate one of

19 the foam machines?

20 A. No.

21 BY MR. TUCKER:

22 Q. When you mentioned coming

23 through the double doors there at the

24 mother drive, when you went in that

25 morning, was those doors open or

01 closed?

02 A. They were closed.

03 Q. What about when you came out?
04 A. They were closed.
05 Q. Did somebody off of your crew
06 open them when you all come out, or
07 did Carl White open them, or ---?
08 A. I think --- as we was --- we
09 was coming out we got in a break
10 because we could see a manbus coming,
11 and we got out. And we let them go
12 on by and then we went through and
13 closed the doors behind us.
14 Q. So a crew was coming in when
15 you all was coming out?
16 A. Yes.
17 Q. You switched out right there?
18 A. Yeah.
19 Q. And you all shut them
20 yourself, you said Carl didn't
21 help ---
22 A. No, Carl ---.
23 Q. --- as far as shutting them?
24 He was on up toward the ---?
25 A. Yes.

01 Q. And I'm sure Denny asked, but
02 did you all have any conversation
03 with Carl or --- when you all went
04 by?
05 A. No.

06 Q. Okay. Do you remember when
07 youns installed those waterlines if
08 Dusty Dotson was underground near the
09 area where you were working at?

10 A. Yes, he was.

11 Q. Do you remember what he was
12 doing?

13 A. He helped us lay some
14 waterline there when we was laying
15 waterline. He carried some up to us.

16 Q. In case of an emergency or
17 evacuation, or fire or whatever, what
18 are your duties?

19 A. Like, if there's a fire on the
20 section?

21 Q. Yeah.

22 A. Let's see, I assist the left
23 miner operator in getting ---
24 breaking the waterline and getting
25 waterline to the fire area.

50

01 Q. Okay. Have you ever had any
02 training in the different types of
03 firefighting equipment you may have
04 as far as any actual training or
05 spraying of water ---

06 A. No.

07 Q. --- hose or anything of that

08 nature? Had you heard of any
09 previous problems involving the
10 mother drive belt?

11 A. No.

12 Q. Have you heard of anything
13 that may have caused the fire or how
14 the fire started?

15 A. I heard different stories
16 about what could have caused it. I
17 mean, about anything could cause a
18 fire.

19 Q. Anything that you care to
20 mention as far as what you may have
21 heard?

22 A. It was just rumors is what it
23 was. They said something might have
24 --- something on the --- something
25 might have shifted or something like

51

01 that, or ---. Then I've heard that
02 maybe a bearing could have got hot.
03 Just different things.

04 Q. Right.

05 MR. TUCKER:

06 Thank you.

07 BY MR. BEITER:

08 Q. Did you ever detect methane
09 when you're mining coal?

10 A. Sometimes.

11 Q. Have you ever detected enough
12 that required energy to be
13 disconnected?

14 A. Yes.

15 Q. What's the highest you've ever
16 had?

17 A. Five percent.

18 Q. In the working place?

19 A. Yes.

20 Q. While you were mining?

21 A. Yes.

22 Q. Who's responsible for hanging
23 line curtain?

24 A. The roof bolter operators as
25 they advanced, as they're bolting.

52

01 Q. How did you know that there
02 was five percent methane?

03 A. As I recall, I was cutting and
04 a pocket of water come out --- just a
05 little pocket of water, and methane
06 showed up.

07 Q. On the monitor?

08 A. Yes.

09 Q. On the machine?

10 A. Yeah.

11 Q. Do you know if anybody used a
12 handheld after that?

13 A. I did.

14 Q. You did. Did it correspond

15 with what the --- I guess, what did

16 you get on the handheld?

17 A. Yeah. I think it was like 4.7

18 percent on my ---.

19 Q. That's pretty high, there's

20 water, too. Was that with a probe or

21 was that just at the last row of

22 bolts?

23 A. Well, if I recall right, I

24 just loaded about three buggies out

25 of the place.

53

01 Q. Out of the new place?

02 A. Yes.

03 Q. So you were pretty close to

04 the face right where you were

05 standing?

06 A. Yeah.

07 Q. You could have reached pretty

08 close to the face?

09 A. Yeah.

10 Q. Was there curtain installed?

11 A. It was flush when a break had

12 been put through.

13 Q. So it was the first cut into

14 the ---

15 A. Yes.

16 Q. --- coal? So there was not a
17 curtain then at that time?

18 A. No, not at that time. No.

19 Q. What section was that on?

20 A. Three section.

21 Q. Was it very recent? Well,
22 recent prior to the accident?

23 A. It was before the accident,
24 yes.

25 Q. Do you know who your foreman

54

01 was that day?

02 A. Dave Meade.

03 Q. Was he made aware of ---?

04 A. Yes.

05 Q. Do you know what actions were
06 taken?

07 A. I backed the miner out. When
08 the power come back on, backed the
09 miner out. We tightened some
10 curtains up, and it wasn't very long
11 after that then, we didn't detect no
12 more methane.

13 Q. Did the monitor kick the miner
14 power when it ---?

15 A. Yes.

16 Q. Have you ever had one monitor
17 that didn't kick the power when you

18 had ---?

19 A. No. That was only --- that's
20 been the only time I've ever --- it's
21 ever done that.

22 Q. Okay. Do you take deep cuts,
23 remote cuts?

24 A. Yes.

25 Q. Youns do. What's your longest

55

01 cut that you could take?

02 A. Thirty-eight (38) feet.

03 Q. Thirty-eight (38). Is that in
04 like a 38-foot slab and a 38-foot
05 slab, or is that cut like steps?

06 A. Yeah.

07 Q. And then you have to take like
08 20 feet and then 20 feet, and 18 feet
09 then 18 feet?

10 A. Yes.

11 Q. You know what I mean?

12 A. Yeah.

13 Q. So it's a multi-step ---?

14 A. Yes.

15 Q. You don't just take one side
16 38 feet ---

17 A. No.

18 Q. --- and the other side ---?

19 MR. BEITER:

20 Okay.

21 BY MR. TUCKER:

22 Q. You mentioned that's the only
23 time that happened, like shooting up
24 that high to where ---

25 A. Yes.

56

01 Q. --- then you came back and you
02 --- actually, you detected almost
03 five percent on your detector.

04 A. Uh-huh (yes).

05 Q. What would you normally see
06 when you're mining?

07 A. The methane monitor on the
08 miner might get up to two percent
09 sometimes.

10 Q. Two percent or two-tenths?

11 A. No, I mean two-tenths percent.

12 Q. Two-tenths, okay. When you
13 finished that cut that day, did you
14 read methane while you was finishing
15 that cut, after that spiked up like
16 that?

17 A. Yeah. It was around one
18 percent, that would be .8 percent,
19 one percent. It kept going up and
20 down.

21 Q. When you moved to the next
22 place, did you have the same methane

23 readings in the next cut you got, or
24 was it confined to that one entry?

25 A. It was just that one certain

57

01 place there that day.

02 Q. Do you have any idea of why
03 that was, or what was going on there
04 in that potential ---?

05 A. I guess because that little
06 pocket of water was in there, and
07 released it maybe, I don't know.

08 MR. TUCKER:

09 Okay. Thank you.

10 BY MR. BEITER:

11 Q. You said you used a spotter
12 that day?

13 A. Yes.

14 Q. 4.7 on your spotter. Did
15 somebody else also check?

16 A. Yeah, my boss did.

17 Q. Mr. Meade?

18 A. Yeah.

19 Q. Do you know what his spotter
20 indicated?

21 A. I don't recall.

22 Q. Did he indicate to you that
23 there was any difference between his
24 and yours?

25 A. Yes, he might have.

01 Q. Do you remember ---?

02 A. I don't remember what the
03 difference was, but he ---.

04 Q. Did he check after you or
05 before you?

06 A. He checked after me.

07 Q. Quite some time, a little bit?

08 A. No. He ---.

09 Q. Right then?

10 A. As soon as he was notified of
11 the problem, he came right away.

12 Q. Jason, is there anything else
13 you'd like to tell us regarding what
14 happened the day of the accident?

15 A. Uh-uh (no).

16 Q. I don't know if Bill asked you
17 or not, and if he didn't, from what
18 you know about the accident, do you
19 know of anything that could have been
20 done to prevent it? And not just the
21 fire but anything that occurred
22 around the fire as far as evacuation
23 and the inability of people to
24 actually complete the evacuation
25 successfully?

01 A. Maybe if I could have been

02 there, I could have told you more
03 about it, but I wasn't there or
04 nothing. I really don't know. I
05 just wished things could have turned
06 out better than they did.

07 Q. I'm sure everybody does.

08 MR. BEITER:

09 Jason, on behalf of
10 MSHA, I wish to thank you for
11 coming here today and
12 answering our questions and
13 sharing your information about
14 the mine.

15 Your cooperation is
16 very important to us as we
17 work to determine what
18 happened --- what the cause of
19 the accident was. If you
20 wish, you can go back now over
21 any answer that you gave
22 during this interview, you
23 could also make a closing
24 statement covering any
25 additional points that need to

60

01 be raised.

02 A. No.

03 MR. BEITER:

04 We ask that you not

05 discuss your interview with
06 any person who may have
07 already been interviewed, or
08 any person who may be asked to
09 be give a statement in the
10 future. And the reason we ask
11 this is to ensure that we
12 obtain everybody's independent
13 memory of the events
14 surrounding the accident.

15 After questioning other
16 witnesses and obtaining
17 additional information, we may
18 find something that we need to
19 ask you back for.

20 A. Okay.

21 MR. BEITER:

22 If at some later point
23 you have additional
24 information regarding the
25 accident that you would like

61

01 to provide us, maybe something
02 that you think of or somebody
03 tells you something you
04 believe is important, and
05 you'd like to provide that to
06 us, we'd appreciate it if

07 you'd contact Mr. Kenny Murray
08 or his staff assistant,
09 Anthony Webb. And we'll
10 provide you a card with their
11 contact numbers.

12 Mr. Murray works out of
13 the Pikeville office of MSHA.
14 Anthony Webb's his staff
15 assistant in the same office.

16 Jason, the Mine Act
17 provides certain protection
18 for individuals who
19 participate in accident
20 investigations. If at any
21 time you believe that you have
22 been treated unfairly because
23 of your cooperation in this
24 investigation, please
25 immediately contact Mr. Murray

62

01 or Mr. Webb.

02 Again, Jason, thank you
03 for coming here.

04 MR. TUCKER:

05 On behalf of Miners'
06 Health, Safety & Training, I,
07 too, would like to thank you
08 for coming in today. The
09 State also offers similar

10 protection. Here's one of my
11 cards if you need to contact
12 me for anything. And this is
13 C.A. Phillips' card. He's our
14 Deputy Director out of our
15 Charleston office. Thanks for
16 coming in.

17 * * * * *

18 EXAMINATION CONCLUDED AT 10:46 A.M.

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