

01 EXAMINATION UNDER OATH
02 OF
03 CHADWICK EVANS
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 Tuesday, April 11, 2006 at 1:00
13 p.m.

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01 A P P E A R A N C E S (cont.)
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01 A P P E A R A N C E S (cont.)
02
03 ALSO PRESENT:
04 MICHAEL FINNIE
05 RONALD W. STAHLHUT
06 CHARLES W. POGUE

07 C.A. PHILLIPS
08 EUGENE WHITE
09 BETH SPENCE
10 DERRICK TJERNLUND
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01 I N D E X

02

03 INTRODUCTION 7 - 18

04 WITNESS: CHAD EVANS

05 QUESTIONS

06 By Mr. Francart 18 - 61

07 By Mr. Tucker 61 - 68

08 By Mr. Francart 68 - 70

09 CONCLUSION 70 - 74

10 CERTIFICATE 75

11

12

13

14

15

16

17

18

19

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21

22

23

24

25

6

01 EXHIBIT PAGE

02 PAGE

03 NUMBER DESCRIPTION IDENTIFIED

04 A Map 29

05 B Map 36

06

07

08

09

10

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

02 -----

03 MR. FRANCCART:

04 My name's Bill
05 Francart, and I represent the
06 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 is charged with the
12 investigation of the accident
13 that occurred on January 19th
14 of 2006 at the Aracoma Alma

15 Mine Number One.
16 This is a joint
17 investigation that MSHA is
18 conducting with the State of
19 West Virginia. And I'll be
20 asking the questions for MSHA
21 today. Here with me today are
22 other members of MSHA's team
23 and the State's team. MSHA's
24 team includes various
25 specialists and members of the

8

01 Solicitor's Office. And at
02 this time, I'd like to ask
03 each of those representatives
04 to introduce themselves for
05 the record.

06 ATTORNEY BELL:

07 Keith Bell, Arlington,
08 Virginia.

09 MR. WEBB:

10 Good afternoon, Chad.
11 I'm Anthony Webb, District Six
12 in Pikeville, Kentucky.

13 MR. STAHLHUT:

14 Ron Stahlhut, MSHA of
15 Vincennes, Indiana.

16 MR. FINNIE:

17 Mike Finnie, MSHA of
18 Madisonville, Kentucky.

19 MR. TJERNLUND:

20 Derrick Tjernlund, MSHA
21 Tech Support, Triadelphia.

22 MR. BURKE:

23 I'm Tony Burke with
24 MSHA out of Whitesburg,
25 Kentucky.

9

01 MR. FRANCCART:

02 Again, I'm Bill
03 Francart, and I'm out of the
04 Pittsburgh, Pennsylvania
05 office. Also here today
06 representing the State of West
07 Virginia is Mr. Bill Tucker to
08 my immediate left. And he'll
09 be asking questions for the
10 State. At this time, he also
11 has an opening statement for
12 you.

13 MR. TUCKER:

14 Appreciate you coming
15 in today, Chad. The West
16 Virginia Office of Miners'
17 Health, Safety & Training is
18 conducting this interview
19 session jointly with MSHA.

20 We're in agreement with the
21 procedures outlined by Mr.
22 Francart. However, let me
23 make it clear that the
24 Director reserves the right,
25 if necessary, to call or

10

01 subpoena witnesses or require
02 the production of any record,
03 document, photograph or other
04 relevant materials necessary
05 to conduct this investigation.
06 Again, my name is Bill Tucker,
07 and I'm with Miners' Health,
08 Safety & Training. I work out
09 of the Oak Hill office.

10 MR. WHITE:

11 Eugene White. I'm a
12 District Inspector out of
13 Region Three in Danville.

14 MR. PHILLIPS:

15 C.A. Phillips, Deputy
16 Director of Charleston, West
17 Virginia

18 MS. SPENCE:

19 Beth Spence with the
20 Governor's Office.

21 MR. FRANCCART:

22 We had one more member
23 of our team from MSHA enter
24 the room just now. I'd like
25 to have him introduce himself

11

01 to you.

02 MR. POGUE:

03 Charlie Pogue with
04 MSHA, Hunker, Pennsylvania.

05 MR. FRANCCART:

06 This investigation is
07 being conducted by MSHA and
08 the State of West Virginia to
09 gather information to
10 determine the cause of the
11 accident and to help prevent
12 this from happening in the
13 future. Interviews are an
14 important part of our
15 investigation. After the
16 investigation is completed,
17 MSHA will issue a written
18 report detailing the nature
19 and the causes of the
20 accident. MSHA accident
21 reports are made available to
22 the public in the hope that
23 greater awareness about the
24 causes of such accidents can

25 reduce their occurrence in the

12

01 future. The information
02 obtained through witness
03 interviews is frequently
04 included in these reports.
05 And your statement may also be
06 used in other enforcement
07 activities.

08 I would like to thank
09 you in advance for your
10 appearance here today. And we
11 appreciate your assistance in
12 the investigation. The
13 willingness of miners and mine
14 operators to work with us is
15 critical to our success in
16 making the nation's mines
17 safer.

18 This interview with
19 Chad Evans is being conducted
20 under Section 103(a) of the
21 Federal Mine Safety & Health
22 Act of 1977 as part of an
23 investigation by the Mine
24 Safety and Health
25 Administration into the

13

01 conditions, events and
02 circumstances surrounding the
03 fatalities that occurred at
04 the Aracoma Alma Mine Number
05 One located at Route 17 North,
06 Bandmill Hollow Road,
07 Stollings, West Virginia,
08 25646.

09 This interview is being
10 conducted at the State of West
11 Virginia Department of
12 Environmental Protection
13 Division of Mining and
14 Reclamation at 1101 George
15 Kostas Drive, Logan, West
16 Virginia, 25601. Today's date
17 is April 11th?

18 ATTORNEY BELL:

19 11th.

20 MR. FRANCCART:

21 And current time is

22 1:03 p.m.

23 Mr. Evans, can I call

24 you Chad?

25 MR. EVANS:

01 Yeah.

02 MR. FRANCCART:

03 Thank you. The

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

17 You are permitted to
18 have a representative with you
19 during the interview, and you
20 may consult with your
21 representative at any time.

22 You may designate any person
23 to be your representative.

24 And following the questions by
25 MSHA and the State, your

15

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

06 Your statement is
07 completely voluntary, and you
08 may refuse to answer any
09 question at any time or end
10 your interview at any time if
11 you wish. If you don't
12 understand a question, please
13 let us know and we'll try to
14 rephrase that to make it clear
15 as to what our intentions are.
16 If you need a break at any
17 time, for any reason, let us
18 know and we'll take a break.

19 You may request the
20 opportunity to make a
21 confidential statement in lieu
22 of this interview today, which
23 we will withhold from the
24 public to the extent allowed
25 by law. Should you desire to

16

01 give a confidential statement,
02 you should advise us before we
03 begin the interview so that we
04 can properly consider your
05 request. Do you want a
06 confidential interview?

07 MR. EVANS:

08 No.

09 MR. FRANCCART:
10 We do have a court
11 reporter here today who will
12 record your interview and
13 later produce a written
14 transcript of the interview.
15 We ask that you state all your
16 questions --- state all your
17 answers to our questions
18 verbally so that the court
19 reporter can record them
20 properly. She can't get
21 gestures, such as nodding your
22 head or phrases such as uh-
23 huh.

24 MR. EVANS:
25 Okay.

17

01 MR. FRANCCART:
02 It's difficult.
03 Neither the transcript of the
04 interview nor the content of
05 the interview will be released
06 to the public or the media
07 until MSHA's final accident
08 investigation report is issued
09 or until required by court
10 order or until a public

11 hearing may take place.
12 If any part of your
13 statement is based not on your
14 own firsthand knowledge but on
15 information that you've
16 learned from someone else,
17 please let us know. Please
18 answer each question as fully
19 as you can, including any
20 information you may have
21 learned from someone else. We
22 may not ask the particular
23 questions we need to ask to
24 learn what you know. So if we
25 don't, feel free to let us

18

01 know what you know. Do you
02 have any questions about the
03 manner in which the interview
04 will be conducted?

05 MR. EVANS:

06 No.

07 MR. FRANCCART:

08 We'll ask now that the
09 court reporter swear in the
10 witness.

11 -----

12 CHADWICK EVANS, HAVING FIRST BEEN

13 DULY SWORN, TESTIFIED AS FOLLOWS:

14 -----

15 BY MR. FRANCCART:

16 Q. Chad, could you please state
17 your full name and address for the
18 record, please?

19 [REDACTED]

[REDACTED]

25 Q. And could you please spell

19

01 your last name for the record?

02 A. E-V-A-N-S.

03 Q. Chad, are you appearing
04 voluntarily at the interview today?

05 A. Yeah.

06 Q. Has anyone made any promises
07 to you for giving this statement or
08 offered you any reward in exchange
09 for your statement today?

10 A. What do you mean?

11 Q. Has anyone offered you any
12 money ---

13 A. No.

14 Q. --- to come in or offered to
15 buy you dinner or ---?

16 A. No.

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

20 A. No.

21 Q. You understand that you may
22 refuse to answer any question at any
23 time or end the interview at any
24 time?

25 A. Yeah.

20

01 Q. And do you have a
02 representative with you today?

03 A. Yeah, Dave Hardy.

04 Q. Okay. And when did you first
05 meet Mr. Hardy?

06 A. About two days ago, I think,
07 the day ---. I can't remember.
08 Yesterday? I think yesterday.

09 Q. And how did your meeting come
10 about?

11 A. That Webb guy called me and
12 told me to get ahold of the mines.
13 And I went to the mines and told them
14 you all got in contact with me, and
15 yeah, I wanted a representative.

16 They gave me Dave.

17 Q. So you went to the company and
18 asked for a representative?

19 A. Yeah.
20 Q. And they suggested that Mr.
21 Hardy would be your representative?

22 A. Yeah.

23 Q. So you went to them to ask for
24 a representative, but no one in
25 particular?

21

01 A. No.

02 Q. Okay. You made the decision
03 though for Mr. Hardy to be your
04 representative?

05 A. Yes.

06 Q. Have you been made aware that
07 Mr. Hardy also represents the company
08 in the matter and there may be a
09 potential for a conflict of interest
10 between you and the company to arise?

11 A. Well, I'll say, I don't care
12 if they know.

13 Q. But you're aware that there
14 could be a conflict of interest that
15 may come about because of his
16 representation of the company in this
17 matter?

18 A. What, between me and the
19 company?

20 Q. Yes.

21 A. Yeah.
22 Q. That's been explained to you?
23 A. No.
24 Q. Do you want to proceed with
25 Mr. Hardy representing you despite

22

01 that potential ---

02 A. Yes.

03 Q. --- for a conflict of
04 interest?

05 A. Yeah.

06 Q. Has anyone interviewed you
07 from the company regarding the
08 accident ---

09 A. No.

10 Q. --- to date? Chad, how long
11 have you worked at Aracoma?

12 A. August 12th will make it three
13 years, so however it comes out from
14 there to now. August 12th is when I
15 started.

16 Q. And what's your current job
17 title?

18 A. I'm running a tractor.

19 Q. Tractor, is that a supply
20 tractor?

21 A. Yeah.

22 Q. And how long have you been
23 working in that capacity?

24 A. I can't remember.

25 Q. Have you done other things at

23

01 the mine besides that?

02 A. Yeah. I've run motor.

03 Q. Was that while they had track

04 or was that all diesel power?

05 A. Track.

06 Q. On the track also?

07 A. Yeah.

08 Q. Any other jobs that you've had

09 beside that?

10 A. Since I was with Massey?

11 Q. Uh-huh (yes).

12 A. Well, ran a shearer.

13 Q. You ran the shearer on the

14 face?

15 A. Uh-huh (yes).

16 Q. That's on the longwall face

17 ---

18 A. Yeah.

19 Q. --- just for the record? And

20 have you worked different shifts?

21 Have you always worked one particular

22 shift or do you rotate shifts?

23 A. Rotate every now and then.

24 Q. What currently are you

25 working?

01 A. Dayshift.

02 Q. Dayshift right now. On the
03 19th, if we could go back, what was
04 your position on the 19th? Were you
05 still running supplies?

06 A. Yeah.

07 Q. And are you considered a
08 member of mine management? Are you a
09 supervisor?

10 A. No.

11 Q. Do you have any state or
12 federal mine certifications or
13 qualifications?

14 A. Just my underground card.

15 Q. And how many total years of
16 mining experience do you have?

17 A. Ten years.

18 Q. Ten years?

19 A. I think.

20 Q. What other mines have you
21 worked at?

22 A. Some of the continuous, a
23 couple other mines, the DOH. I can't
24 remember any others.

25 Q. Were any of those Massey

01 mines?

02 A. No.

03 Q. You mentioned before you
04 operated the longwall shearer. Was
05 that at this mine?
06 A. About a week.
07 Q. For just a week? Was that
08 vacation time or was that ---?
09 A. Yeah.
10 Q. So you're filling in or was
11 that a permanent move for you?
12 A. Fill in.
13 Q. It was just a fill in. Have
14 you run the shearer at other mines?
15 A. Yeah.
16 Q. So what are your duties today
17 as far as hauling supplies? You load
18 the supplies outside and unload them
19 underground?
20 A. Yeah.
21 Q. And who is your supervisor?
22 A. Rod Morrison. One of the mine
23 bosses anyway.
24 Q. Okay. And what other areas of
25 the mine do you normally supply?

26

01 A. The longwall.
02 Q. Just the longwall?
03 A. I mean, if they need something
04 on the section, must have it, you

05 know, I take it up there.
06 Q. So you would haul anywhere
07 from bits to rock dust?
08 A. Yeah.
09 Q. Anything that's supplied
10 underground, you would potentially
11 haul?
12 A. Yeah.
13 Q. When you haul supplies in,
14 where do you normally pick up the
15 supplies? Is it in the box cut or
16 outside the box cut?
17 A. It's sometime in the box cut
18 on top of the hill.
19 Q. Do you ever pick up supplies
20 and take them in the Rum Creek
21 portal?
22 A. No.
23 Q. Always through the box cut?
24 A. Yeah.
25 Q. Besides hauling supplies, do

27

01 you ever have need or has anybody
02 assigned you to make changes to
03 ventilation controls underground?
04 A. No.
05 Q. And when you travel
06 underground, you have to go through
07 airlock doors occasionally?

08 A. Yeah.

09 Q. When you go through those
10 doors, are they always installed in
11 pairs?

12 A. Yeah.

13 Q. And they're always closed when
14 you get to them?

15 A. Yeah.

16 Q. And you leave them closed when
17 you leave?

18 A. Yeah.

19 Q. Prior to the 19th, what was
20 the last shift you worked at the
21 mine?

22 A. Dayshift.

23 Q. And that was on the 18th?

24 A. I don't --- what day was it?

25 Q. Well, did you work on the

01 19th? That was the day of the fire.

02 A. Yeah.

03 Q. It would have been a Thursday.

04 A. Dayshift.

05 Q. And did you work the day
06 before on the 18th also?

07 A. Dayshift.

08 Q. What were you doing on the
09 19th, do you remember?

10 A. Delivering props.
11 Q. Props?
12 A. Yeah.
13 Q. And to where would that be?
14 A. Ten tail, Nine tail, something
15 like that.
16 Q. This map on the wall, does
17 this help you at all if we show you
18 where the longwall is?
19 A. Yeah.
20 Q. Do you want to just mark on
21 here Exhibit A? If you could ---
22 this is the longwall headgate,
23 longwall tailgate, which is Nine
24 tailgate. This would be Ten
25 headgate, which would be the next

29

01 headgate that's being installed.
02 A. Okay.
03 Q. So can you tell me from this
04 map where you would have been taking
05 those supplies?
06 A. Yeah, it would --- Nine
07 tailgate there.
08 Q. Nine tailgate?
09 A. Yeah.
10 Q. Okay.

11 MR. FRANCAERT:
12 This will be Exhibit A

13 Evans.

14 (Evans' Exhibit A

15 marked for

16 identification.)

17 BY MR. FRANCAERT:

18 Q. And Nine tailgate --- would

19 you mind coming up to the map just

20 for a minute? I'm going to hand you

21 a marker. If you don't mind, if you

22 could show me where you delivered

23 these supplies to, these props in the

24 Nine tailgate?

25 A. Right where the door was at.

30

01 Right here.

02 Q. Well, I'm not sure that this

03 map accurately portrays all the

04 ventilation controls and doors that

05 are in the mine. But to the best of

06 my knowledge, it does. So ---.

07 A. I went through a set of

08 airlock doors somewhere in here or

09 here.

10 Q. And we have a door here in

11 Number Three entry of Nine tailgate

12 and then you have airlock doors inby

13 in the next crosscut, so you could

14 have gone through some of those

15 doors.

16 A. No. I come --- all I done is
17 come down here. They told me just to
18 go a couple breaks down and load the
19 stuff off. And I was coming down in
20 here just to find me a good break
21 right in here somewhere.

22 Q. Do you have any idea how many
23 breaks inby this door you would have
24 come in?

25 A. Not really, no. I got hung up

31

01 in the mudhole somewhere right in
02 here. It was about quitting time. I
03 was --- they told me to cut the
04 breaks, I was told to get out, get
05 dayshift.

06 Q. So if you could mark on the
07 map here somewhere approximately
08 where you dumped the props and label
09 that as props? Just put an X on the
10 map.

11 WITNESS COMPLIES

12 A. Now, this --- I ain't too sure
13 about this.

14 BY MR. FRANCAERT:

15 Q. Well, we're not --- we're
16 looking for an approximate here to
17 show where you traveled.

18 A. How do you spell props?
19 Q. P-R-O-P-S.
20 A. P-S?
21 Q. P-S. Thank you. And while
22 you're here, maybe we'll just have
23 you go ahead and sign and date the
24 map, up here somewhere. And today,
25 again, is April 11th.

32

01 WITNESS COMPLIES

02 BY MR. FRANCAERT:

03 Q. Thank you. You say you
04 delivered those props at the end of
05 your shift?

06 A. Yeah.

07 Q. Is there anything you did
08 earlier in the shift that stands out
09 in your mind?

10 A. No. You know, I mean, it was
11 so long ago.

12 Q. It's been a while.

13 A. I'm just lucky to remember
14 what I do.

15 Q. I can understand. How about
16 the construction project of that 72
17 belt --- 72-inch belt construction
18 that's on the inby side? Also on
19 this map you see the Number Seven

20 belt's marked 72-inch belt? They're
21 extending that belt line down through
22 the Ten headgate to dump on?

23 A. Okay.

24 Q. Have you hauled supplies into
25 that area before?

33

01 A. I can't remember.

02 Q. Have you hauled belt structure
03 up there, do you know?

04 A. No.

05 Q. When you travel in with
06 supplies, you usually travel in north
07 mains?

08 A. What do you mean north mains?

09 Q. North mains is the set of
10 entries that ---.

11 A. Okay.

12 Q. It doesn't have the whole mine
13 on here, but this would come out ---
14 north mains would come out to the box
15 cut, to the Threeway.

16 A. Uh-huh (yes).

17 Q. So you would come into the
18 Threeway, to the Fourway, the first
19 Fourway?

20 A. Yeah.

21 Q. You come up north mains and
22 have to cross over that 72-inch belt

23 in north mains somewhere. You have
24 airlock doors through there that you
25 traveled through?

34

01 A. I can't remember. I know we
02 got them now. I don't know if we got
03 them --- had them before. I can't
04 remember.

05 Q. Okay.

06 A. I don't --- I ain't up in that
07 neighborhood much.

08 Q. I think before we ask about
09 airlock doors, you've always found
10 them closed when you've come to them?

11 A. Yeah.

12 Q. And closed them behind you
13 though?

14 A. Yes.

15 Q. And when you traveled to
16 northeast mains, you have to travel
17 through that mother drive area on the
18 longwall headgate?

19 A. Yeah.

20 Q. Those doors have always been
21 closed also?

22 A. Yeah.

23 Q. And you've closed them behind
24 you?

25 A. Yes.

35

01 Q. Okay. Did you travel through
02 that mother drive area on the 19th
03 when you delivered your supplies?

04 A. Yes.

05 Q. Did you happen to notice
06 anything in the headgate area ---

07 A. No.

08 Q. --- unusual?

09 A. No.

10 Q. Do you remember who was
11 working in that area? Did you see
12 anyone working in that area?

13 A. I can't remember.

14 Q. That's okay. Have you
15 recently --- I guess, not recently,
16 but just prior to the 19th, are you
17 familiar with the Four Right area?

18 That's the back bleeder for the
19 longwall panels?

20 A. I mean, I don't know what
21 you're talking about. I mean, I
22 ain't ---.

23 MR. FRANCAERT:

24 See if we have a map of
25 that back there, Derrick.

36

01 Let's see if we can get a

02 bigger mine map up here for

03 you to show you that area.

04 BY MR. FRANCCART:

05 Q. That would have been the ---

06 it's old Three section. It's also

07 called old Three section.

08 A. Okay. I don't recall that.

09 Q. Okay. Have you hauled

10 supplies into that area at all?

11 A. Up to Billy.

12 Q. And where was he working at

13 that time?

14 A. Just a couple breaks up in

15 there.

16 Q. So that would be inby the

17 mouth of old Three section off of the

18 mains? We'll get a map up here and

19 show you. It may be a little bit

20 easier for you.

21 MR. FRANCCART:

22 I'm going to go ahead

23 and mark this as Exhibit B

24 Evans.

25 (Evans' Exhibit B

37

01 marked for

02 identification.)

03 BY MR. FRANCCART:

04 Q. And if you wouldn't mind
05 coming up to the board one more time
06 here? This is Four Right or old
07 Three section. And if you could mark
08 where you've taken supplies in there.

09 A. About right in here somewhere.

10 Q. If you could just put an X
11 there again?

12 WITNESS COMPLIES

13 A. It was somewhere in here.

14 BY MR. FRANCAERT:

15 Q. And do you remember what
16 supplies you hauled into that area?
17 If you could just then maybe mark
18 supplies in this area of the longwall
19 gob and then draw a line to that X?

20 WITNESS COMPLIES

21 BY MR. FRANCAERT:

22 Q. Okay. Thank you. When you
23 hauled supplies into the old Three
24 section, Chad, did you have airlock
25 doors in there also to travel

38

01 through?

02 A. Yeah, about where I went
03 through I do.

04 Q. Have you ever delivered
05 supplies to any area of the mine
06 where you did not have airlock doors,

07 where you had to pass through a
08 stopping?

09 A. No.

10 Q. You didn't have to go in and
11 knock down a stopping to go through
12 and rebuild it?

13 A. No.

14 Q. Are you familiar with those
15 airlock doors in old Three section,
16 how they operate?

17 A. I just know --- no, not
18 really. I mean, I guess all that
19 back in the return. I don't know.

20 Q. Did you ever have trouble
21 opening the doors? Are they hard to
22 pull or push?

23 A. No. Just more like the box
24 cut.

25 Q. Are you aware of any time that

39

01 you've been asked to go back in the
02 mine to check on whether or not
03 airlock doors have been left open
04 anywhere for any reason?

05 A. No.

06 Q. Have you ever heard anyone
07 discuss air reversals caused by open
08 doors?

09 A. No.

10 Q. Have you heard of anyone
11 talking about open doors affecting
12 air flow in the longwall belt?

13 A. No.

14 Q. And you said you did work on
15 the 18th also, the day before the
16 fire?

17 A. My best knowledge, I did.

18 Q. Are you aware of any
19 ventilation changes that may have
20 been made on midnight shift of the
21 18th? That would have been the
22 morning of the day that you worked on
23 the 18th?

24 A. No.

25 Q. Do you recall if you hauled

40

01 any stopping materials in to the mine
02 on the 18th?

03 A. I can't remember.

04 Q. Do you haul stopping supplies
05 occasionally also?

06 A. Every now and then.

07 Q. Like cinder block or concrete
08 blocks?

09 A. Yeah.

10 Q. Mortar and sealant, plaster?

11 A. Just plaster, no mortar.

12 Q. So the only thing you know
13 about the timber sets in Nine
14 tailgate is that you take supplies
15 and drop them off?

16 A. Yeah.

17 Q. And then you leave, is that
18 about it?

19 A. (Indicates yes.)

20 Q. We had you at the map on Nine
21 tailgate. You said you weren't
22 exactly sure which doors you went in
23 and out. Is that travelway pretty
24 well marked for you, that you can see
25 where you are underground? I know

41

01 it's hard to relate that to a map up
02 here. But when you're underground,
03 can you tell where you're supposed to
04 go?

05 A. I just try to find it. I
06 mean, if I'm in a new strange area, I
07 just try to find my way.

08 Q. Okay. Has anyone ever
09 discussed with you what the
10 consequences would be of leaving two
11 equipment doors open, one set of
12 airlock doors?

13 A. I've been told not to leave

14 them open.

15 Q. Did they tell you why?

16 A. Dealing with the air.

17 Q. Who was that? Do you know?

18 A. No. I mean, I know you don't

19 leave airlock doors open.

20 Q. Okay. In Nine tailgate, there

21 is a mine phone installed near the

22 longwall face. Do you have any idea

23 why that phone's there?

24 A. No.

25 Q. You ever have an occasion to

42

01 travel the tailgate?

02 A. No.

03 Q. So you haven't hauled any

04 supplies into the tailgate for ---

05 A. No.

06 Q. --- any reason? When did you

07 first learn about the fire, Chad?

08 A. I know after I come back from

09 Lowe's.

10 Q. From Lowe's?

11 A. Yeah.

12 Q. So you had worked dayshift and

13 went home for the day?

14 A. Yeah.

15 Q. And you went to Lowe's and

16 then when you returned to your home,

17 you found out?

18 A. Yeah, my wife told me it was
19 across the news or something.

20 Q. Okay. And did you work the
21 next day on the 20th?

22 A. Yeah.

23 Q. What did you do on the 20th?

24 A. I took --- let's see, I took
25 some foam stuff with the mine rescuer

43

01 team for where they was at.

02 Q. So again, you're hauling
03 supplies to the rescue team?

04 A. Yeah.

05 Q. Were you aware of any problems
06 in the longwall on the 19th?

07 A. No.

08 Q. So when you heard about the
09 fire, was it a complete surprise to
10 you?

11 A. Yes.

12 Q. Had you heard of any problems
13 on the longwall belt anytime in the
14 past?

15 A. No.

16 Q. Are you aware of anything that
17 may have happened on December 23rd,
18 2005?

19 A. No.

20 Q. There was a radio interview
21 with Brandon Conley. Do you know
22 Brandon?

23 A. No.

24 Q. So you don't know anything
25 about what happened on that day that

44

01 he described in his interview?

02 A. No.

03 Q. Heard any talk around the mine
04 about other things that have happened
05 in that headgate area at the drive?

06 A. No.

07 Q. Do you know who posts the
08 escapeway reflectors in the
09 designated escapeways in the mine?

10 A. No.

11 Q. Have you ever taken part in an
12 escapeway drill?

13 A. No. I know I'm in escapeways
14 every day.

15 Q. And how are they marked, do
16 you know?

17 A. Yellow reflector for secondary
18 and green for intake, the main one.

19 Q. What do you see when you're
20 going the wrong direction?

21 A. Red.

22 Q. Red? So you see a lot of
23 reflectors when you're hauling
24 supplies because you probably drive
25 them more than anybody, I would

45

01 guess?

02 A. Yeah, when I'm paying
03 attention.

04 Q. It kind of just fades into the
05 surroundings after a while?

06 A. Yeah.

07 Q. Have you ever been instructed
08 on escapeways or did you just learn
09 the designations from talk around the
10 mine or was it in training class?

11 A. Just when they give safety
12 talks there.

13 Q. Okay. So they give you a
14 safety talk on the surface before you
15 go underground?

16 A. Yeah.

17 Q. And that's the entire mine
18 that would take part in those talks?

19 A. Yeah.

20 Q. Did you ever have occasion to
21 walk in the mine or do you always
22 drive?

23 A. I reckon I walk every now and

24 then.

25 Q. For what reasons would that

46

01 be?

02 A. I don't know. I don't know.

03 I don't know.

04 Q. You say you got stuck in that

05 mudhole down there delivering

06 supplies the one day, you were able

07 to get out of that one. Have you

08 gotten stuck or broken down that you

09 had to walk at some point?

10 A. Yeah. I mean, I walk ---

11 caught the longwall crew out.

12 Q. Pardon?

13 A. I walked and caught the

14 longwall crew out, dayshift crew.

15 Q. Okay.

16 A. I walked and caught them out.

17 Q. And how did you travel from

18 the mine when you did that? Did you

19 follow the escapeway?

20 A. No. I come down Nine tail and

21 out.

22 Q. Down Nine tail?

23 A. Yeah.

24 Q. Why would you come down Nine

25 tail rather than ---?

47

01 A. It's all downhill and
02 shortest.

03 Q. It's a real hike out of there
04 going uphill, isn't it?

05 A. Yeah.

06 Q. Have you ever received any
07 instruction on the --- and I know
08 this is a long phrase, but there's a
09 Mine Emergency Evacuation and
10 Firefighting Plan or a program of
11 instruction. Have you been trained
12 on that?

13 A. I don't remember.

14 Q. It may cover things such as
15 what do you do if there's a fire, who
16 goes where to fight the fire, whose
17 responsibility is --- it lays out a
18 plan on how to react to a fire.

19 A. I don't remember.

20 Q. Okay. Has anyone ever
21 notified you who the responsible
22 person at the mine is?

23 A. They have a sign up in the
24 bathhouse.

25 Q. A sign?

01 A. Yeah.

02 Q. And is that sign ever changed?

03 A. No. For all I know, the mine
04 foreman is --- they okay that shift.

05 Q. And who would that be on your
06 shift?

07 A. I think it's Pepé on my shift.

08 Q. Is that Pepé Lester?

09 A. Yeah.

10 Q. So would he be responsible for
11 evacuating the mine on your shift
12 then?

13 A. I guess.

14 Q. And have you worked the
15 afternoon shift that you've had a
16 different mine foreman in charge?

17 A. What now?

18 Q. Have you worked on another
19 shift? For instance, if you worked
20 afternoon shift --- Pepé's only the
21 dayshift foreman. Who would be the
22 afternoon shift?

23 A. Fred Horton.

24 Q. Fred Horton?

25 A. Yeah.

49

01 Q. Are you familiar with the fire
02 detection system in the belt lines?

03 A. No.

04 Q. Have you ever received any
05 training on how that system works?

06 A. No.

07 Q. Besides hauling supplies, have
08 you ever done any maintenance
09 underground on electrical equipment
10 or do you have those
11 responsibilities?

12 A. No.

13 Q. Have you ever been notified
14 that there is a CO warning or alarm
15 that you need to evacuate the mine?

16 A. Yeah.

17 Q. You have been?

18 A. Oh, no. I mean, I have never.

19 Q. You've never ---?

20 A. I know they got the warnings,
21 but I ain't never been informed of
22 one.

23 Q. Okay. So you're aware that
24 the warnings have occurred and the
25 alarms have occurred but you've never

50

01 told --- nobody's ever told you, you
02 need to evacuate because of that?

03 A. No. When the --- I do --- I
04 ain't never heard a CO go off, that's
05 what I'm saying.

06 Q. Okay.

07 A. But I do know that when they

08 do go off, evacuate.

09 Q. Okay. You don't hear the
10 sensors go off, that just gives a
11 signal to someone else.

12 A. Oh.

13 Q. The sensor just detects the
14 CO. So you won't hear anything.
15 Okay. Has anyone ever asked you to
16 go investigate the source of CO when
17 they do get those warnings or alarms?

18 A. No.

19 Q. Have you ever had to put out a
20 fire in a coal mine?

21 A. No.

22 Q. When you travel into the mine,
23 you have to call for clearance from
24 the dispatcher; is that right?

25 A. Yeah.

51

01 Q. Do you call from the box cut
02 before you go in?

03 A. Sometimes or I'll walk over
04 and tell them.

05 Q. You just walk over and tell
06 them you're going into the mine. Do
07 you have somebody you travel with or
08 are you mainly on your own?

09 A. Mainly on my own.

10 Q. And then once you get in from

11 the box cut, do you have to call
12 again to get clearance to travel into
13 the mine?

14 A. Oh, I'm talking about when I
15 leave to go in the trip.

16 Q. Yeah.

17 A. Yeah, that's when I usually
18 walk over and tell them.

19 Q. So when you tell them there,
20 you have clearance to travel to the
21 furthest extent that you're going, or
22 do you have to call from somewhere
23 else underground?

24 A. Call from somewhere else
25 underground.

52

01 Q. And where would that be?

02 A. Depending on how far they give
03 you the road check.

04 Q. So what typical locations
05 would you maybe have to call from?

06 A. Number One Fourway and
07 Threeway.

08 Q. And Threeway and the first
09 Fourway?

10 A. Yeah.

11 Q. I know this is going to be
12 difficult to remember, but do you

13 think you worked on December 29th of
14 2005?

15 A. December 29th? I can't
16 remember.

17 Q. Every day is about the same
18 ---

19 A. Yeah.

20 Q. --- unless something special
21 happens? It wasn't your wife's
22 birthday or anything like that, so
23 ---.

24 A. I forget it sometimes.

25 Q. Well, that day there was a

53

01 fire that occurred and a couple
02 people responded to put that fire
03 out. Did you hear of any fires on
04 the 29th?

05 A. No. This is the first one I
06 ever heard about.

07 Q. Oh, really? Did you have
08 fires in any of the other mines
09 you've worked at?

10 A. I don't remember none.

11 Q. That's good. When you
12 traveled through the airlock doors up
13 at the mother drive, do you remember
14 which way the air was flowing in that
15 belt entry?

16 A. No.

17 Q. The mudhole you got stuck in,
18 is that a common occurrence to see a
19 lot of mudholes in the mine?

20 A. I don't know what you'd call
21 common.

22 Q. Well, are there more than five
23 where you normally travel anyway?
24 For instance, if you're traveling in
25 the northeast mains from the mouth of

54

01 northeast mains to Two section, how
02 many mudholes do you have that you
03 --- that really stick out in your
04 mind as being something that is a
05 problem?

06 A. A problem? Just when the dip
07 --- the dip, I call it the dip, get
08 bad. We work on it whenever, you
09 know, have a problem.

10 Q. What do you do to work on it?
11 You just put ballast in?

12 A. Yeah. Fill it. I mean, put
13 big rock in it and make it right.

14 Q. Is there a mudhole in the area
15 of the mother drive between the
16 airlock doors, do you know?

17 A. I think there was a waterhole

18 there. I ain't for sure.

19 Q. Do you have any idea what
20 caused that mudhole?

21 A. No.

22 Q. Did you ever help take belt
23 out of the storage unit on the
24 longwall?

25 A. I can't remember.

55

01 Q. Did you ever haul any water
02 pipe into the mine?

03 A. I can't remember.

04 Q. Do you know what color the
05 fresh waterlines are in the mine?

06 A. Blue.

07 Q. Blue? Most of the waterlines
08 are blue, I think, in the mine.

09 A. Yeah.

10 Q. A few yellow ones. And I
11 don't think I asked you before, but
12 what time was your shift on the 19th?

13 A. I don't know if I started at
14 6:00 or 7:00 at the time.

15 Q. But you typically start at six
16 or seven o'clock in the morning ---

17 A. Yeah.

18 Q. --- on dayshift? And what
19 time would you quit then?

20 A. Try to be out by 3:00.

21 Q. Not always successful though,
22 I guess?

23 A. Uh-uh (no).

24 Q. So you weren't there at any
25 time at the time the fire had

56

01 occurred? You were long gone ---

02 A. Yeah.

03 Q. --- before it started?

04 A. I'm glad.

05 Q. When you hauled supplies in
06 for the mine rescue teams, were you
07 taking in any materials to build
08 ventilation controls, such as block
09 for stoppings or ventilation curtain
10 to build temporary controls?

11 A. No.

12 Q. What kind of supplies were you
13 hauling in?

14 A. I hauled that foam stuff,
15 whatever that was in them big
16 barrels.

17 Q. That's the liquid supplement
18 ---

19 A. Yeah.

20 Q. --- for making the foam?

21 A. That's about all I recall,
22 that's the only thing I hauled.

23 Q. Okay.

24 A. Besides water and Gatorade.

25 Q. When you were a shear operator

57

01 for that one week, did you ever

02 notice a problem with ventilation on

03 the face?

04 A. I can't remember.

05 Q. You don't remember if air

06 changed in quantity or direction at

07 all?

08 A. Uh-uh (no). I can't even

09 remember the week I ran on it. I

10 know somebody was taking a vacation

11 and I had to go up there.

12 Q. Do you know if the tailgate

13 was blocked at the time you were

14 there?

15 A. I can't remember.

16 Q. Do you suspect that somebody

17 would tell you that the tailgate was

18 blocked if you were running the

19 shearer that day?

20 A. You would know it.

21 Q. How would you know it?

22 A. Because you'd be cutting out

23 in a fall.

24 Q. Is there any special

25 provisions that the company has to

01 make when you do have a blockage on
02 the tailgate?

03 A. Yeah, there's supposed to be
04 some rescuers on a head and mid-face
05 and I think the tail.

06 Q. And how did you become aware
07 of those requirements?

08 A. From where I used to be
09 before. I mean, I used to run ---
10 work over in Independence. I used to
11 run the shearer over there.

12 Q. Okay. And that's not a Massey
13 mine or it is?

14 A. Yes.

15 Q. It is a Massey mine?

16 A. It's Massey mines.

17 Q. So that blockage on the
18 tailgate, is that a policy of the
19 company's or is that a regulation
20 they have to follow?

21 A. I don't know what --- if it's
22 a policy or a law, I don't know.

23 Q. You just know it needs to be
24 done?

25 A. I just know it --- what is

01 there.

02 Q. Okay. That's good. Have you
03 ever had to install waterlines?

04 A. Yeah, I installed some pump
05 line.

06 Q. At the Aracoma Mine or was it
07 the other mines?

08 A. I mean, at the Aracoma.

09 Q. Do you have any knowledge or
10 recollection of where in the mine
11 you've installed those lines?

12 A. Up in the --- what's that
13 called so I won't be wrong? Right
14 there at 19 break? Five headgate
15 tail, I think. Right there. A
16 little mudhole there. But it's water
17 coming out in the roadway every now
18 and then and we set a pump in there.

19 Q. So that would have been a
20 temporary installation? It wasn't a
21 hard line, the blue plastic lines?

22 A. I think it was because we tap
23 it into the other blue lines to ease
24 up on the pump line, I guess.

25 Q. It's a discharge line ---

60

01 A. Yeah.

02 Q. --- to go outside? Okay.
03 What type of vehicle do you use to
04 haul supplies?

05 A. Now or before?
06 Q. Well, let's say before first.
07 A. A motor.
08 Q. That was before the fire?
09 A. Oh, no, tractor.
10 Q. On the tractor?
11 A. Yeah.
12 Q. Okay. And then following the
13 removal of that track, you went to
14 diesel haulage for the entire mine;
15 is that right?
16 A. Been the tractor all along. I
17 mean, ---.
18 Q. Diesel with track is that what
19 you had before?
20 A. Tractor. I mean, a diesel
21 tractor is what I call it.
22 Q. Okay. And when you haul
23 supplies, you don't have anybody in
24 that mantrip with you?
25 A. No.

61

01 MR. FRANCAERT:
02 Bill, do you have some
03 questions?
04 MR. TUCKER:
05 I have a few.
06 BY MR. TUCKER:

07 Q. I'll try not to repeat any of
08 the questions you've had. I'll
09 probably be real close on a few of
10 them, but bear with me if you don't
11 care. Bill was talking about the
12 supplies, you know, like you're
13 hauling in supplies and normally you
14 don't have a helper?

15 A. Uh-uh (no).

16 Q. Sometimes like do you have to
17 drop off cars, you'd pull in cars and
18 drop them off when you're hauling
19 supplies or how do you ---?

20 A. Usually after I bring the cars
21 back outside.

22 Q. So somebody usually comes and
23 unloads them or you unload them on
24 the other ---?

25 A. Yeah.

62

01 Q. Okay. If you have to leave
02 them, how do you get --- how do you
03 uncouple from them? Say if you're
04 going to have to leave a car or a
05 couple cars?

06 A. Take a jack and jack it up and
07 leave it.

08 Q. Okay. How's it connected to
09 them? Because I'm familiar with the

10 track haulage, you know.

11 A. It got like a hitch on the
12 back and you pull it, go over and sit
13 down in and just lock it down. And
14 then you got a fifth-wheel trailer.

15 Q. Okay. So do you ever --- does
16 any of them require somebody like to
17 put a latch down for you to uncouple
18 from them and pull it off or not?

19 A. I mean, by somebody standing
20 there which would pull it off and ---

21 Q. Yeah.

22 A. --- hook up?

23 Q. Say --- yeah, for an
24 uncoupler.

25 A. No.

63

01 Q. Okay. At the --- I think you
02 mentioned on the 19th, you had taken
03 --- and correct me if I'm wrong.

04 Taken some props to Nine tail?

05 A. Yeah.

06 Q. Was that on the 19th?

07 A. Yeah.

08 Q. So you had to go through the
09 set of airlock doors there at the
10 mother drive ---

11 A. Yeah.

12 Q. --- when you made the turn?
13 Do you recall if anybody opened those
14 doors for you or did you have to get
15 off and open them yourself? Do you
16 recall?

17 A. I can't recall. I was usually
18 by myself.

19 Q. Well, are there occasions
20 that, say, you come to those doors
21 there --- and I'm just talking about
22 the ones at the mother drive. Are
23 there occasions when you come there
24 to pass through there and somebody
25 opens the door for you ---

64

01 A. No.

02 Q. --- that you can recall?
03 Okay. Have you ever come to those
04 doors and they'd already be open?

05 A. No, they ain't never been.

06 Q. Okay. You talked some about
07 like when you got hung up, you were
08 in Nine tailgate of catching the
09 longwall crew out or if you had broke
10 down or whatever, that you've
11 traveled up to Nine tailgate to catch
12 the longwall crew. When was that, do
13 you recall?

14 A. What do you mean? It was ---.

15 Q. Do you remember what day that
16 was or a time frame of when you broke
17 down and you had to travel up Nine
18 tail to catch the longwall crew out?

19 A. Oh, on the day I was
20 delivering them props.

21 Q. So that was on the 19th?

22 A. Yeah.

23 Q. The day of the fire?

24 A. Uh-huh (yes).

25 Q. When you went up the tail, did

65

01 you go across the face or how did you
02 catch up with the crew?

03 A. I just walked --- just down
04 the entry there. I just went through
05 them airlock doors right down there.

06 I mean, I didn't even know what time
07 it was. I was just trying to get
08 outside ----

09 Q. Right.

10 A. --- because I knew it was my
11 quitting time.

12 Q. Oh, you went back and ---?

13 A. No. I went down.

14 Q. Down the tailgate?

15 A. The easier walk.

16 Q. So did you go across the jack

17 line?
18 A. No. I come behind the
19 longwall there. Right there.
20 Q. Oh, you come all the way out?
21 A. Yeah, I come all the way out.
22 Q. Oh, okay.
23 A. It's just an easier walk for
24 me.
25 Q. Right. Okay. Have you ever

66

01 went down like the tail entry like
02 that and go across the face to catch
03 you with the crew, just go across the
04 jack line, still walking all the way
05 down?
06 A. Uh-uh (no).
07 Q. Okay. The belt that they rob
08 at the mother drive, do you pull it
09 out?
10 A. No.
11 Q. When I say pull it out, like
12 once it's on a supply car ---
13 A. On a supply car ---.
14 Q. --- you don't hook to it and
15 pull it?
16 A. No.
17 Q. Okay. Have you ever heard any
18 discussions about problems at the
19 mother drive?

20 A. No.

21 Q. Do you ever, on occasion, haul
22 in like powering caps to the
23 longwall?

24 A. No.

25 Q. Have you ever taken part in an

67

01 equipment move at the mine?

02 A. What are you talking about
03 equipment now?

04 Q. Whether it be --- anything
05 other than like being on the section
06 and moving equipment. Say, if you're
07 trammig like an MRS or hauling a
08 miner or a shuttle car or a feeder or
09 something like that?

10 A. I'll haul usually longwall
11 stuff, like head drive and crusher
12 stuff.

13 Q. Just disassemble parts ---

14 A. Yeah.

15 Q. --- on a car or something?

16 A. Yeah.

17 Q. Okay. When you walked out of
18 Nine tailgate that day, you mentioned
19 it's right at quitting time and you
20 was going to try to catch the
21 longwall. Was you able to call

22 anybody or did anybody know you was
23 walking out?

24 A. No.

25 Q. Okay. You were by yourself

68

01 that day?

02 A. Yeah.

03 MR. TUCKER:

04 That's all I have,
05 Chad. I appreciate it.

06 BY MR. FRANCCART:

07 Q. Chad, just a couple of quick
08 clarifying questions for you. The
09 week that you ran the longwall
10 shearer, do you remember --- I'm not
11 clear now either. Did you tell us if
12 the longwall was blocked on the
13 tailgate or not that week?

14 A. Can I tell you?

15 Q. Did you tell us before?

16 A. No, I didn't tell you it was
17 blocked.

18 Q. It wasn't blocked?

19 A. I can't remember.

20 Q. You can't remember?

21 A. Uh-uh (no).

22 MR. FRANCCART:

23 Oh yeah, we need to
24 have you sign the other map up

25 here. We only signed one of

69

01 the two. So ---.

02 A. What other map?

03 MR. FRANCAERT:

04 Well, this other one
05 right here we had you mark.

06 A. Oh.

07 MR. FRANCAERT:

08 If you don't mind
09 coming up, we'll have you sign
10 that one. You can sign right
11 up in here. Again, the date's
12 the 11th.

13 A. Right here?

14 WITNESS COMPLIES

15 MR. FRANCAERT:

16 Thank you.

17 BY MR. FRANCAERT:

18 Q. When you haul supplies to the
19 longwall, who tells you where to put
20 the supplies?

21 A. They don't tell me where to
22 put it. I just go up there and just
23 find me a good break to back out.

24 Q. Find someplace that's empty
25 around the mule train or do you go

70

01 over toward the face more?

02 A. No. Just around --- just

03 anywhere in there to unload.

04 Q. I think we asked you before,

05 but just to clarify for everyone. Do

06 you ever knock stoppings when you

07 deliver supplies to any locations?

08 A. No.

09 MR. FRANCCART:

10 Mr. Hardy, do you have

11 any clarifying questions?

12 ATTORNEY HARDY:

13 No.

14 MR. FRANCCART:

15 Chad, on behalf of

16 MSHA, I thank you for

17 appearing here today with us

18 and answering our questions

19 and sharing your information

20 you have about the mine. Your

21 cooperation has been very

22 important as we work to

23 determine the cause of this

24 accident. Do you have

25 anything you would like to add

71

01 that you know that we haven't

02 asked about concerning the

03 fire?

04 A. No.

05 MR. FRANCCART:

06 Are there any answers
07 you'd like to go back and
08 review and add anything that
09 we've already discussed?

10 A. As far as I know, no.

11 MR. FRANCCART:

12 We do ask that you not
13 discuss your interview today
14 with anyone who may have
15 already been interviewed or
16 who may be asked to give a
17 statement in the future. This
18 will help to ensure that we
19 obtain everyone's independent
20 memory of what happened the
21 day of the accident and the
22 events surrounding the
23 accident.

24 After questioning other
25 witnesses and obtaining

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01 additional information, we may
02 ask you back for additional
03 questions.

04 If at some point you
05 have additional information or

06 you remember something that
07 you didn't remember today and
08 you'd like to let us know
09 about, you think it may be
10 important, I have a couple
11 business cards here. Mr.
12 Anthony Webb, who is here
13 today and Mr. Ken Murray, who
14 is our chief MSHA accident
15 investigator. I have their
16 cards here with their phone
17 numbers. You can call them at
18 any time.

19 A. Okay. I try to leave my work
20 at work. Home business home.

21 MR. FRANCCART:
22 I don't blame you.

23 A. I used to get in trouble over
24 bringing it home.

25 MR. FRANCCART:

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01 Well, the Mine Act does
02 provide certain protection for
03 individuals who participate in
04 accident investigations. And
05 if at any time you believe
06 you've been treated unfairly
07 because of your appearance
08 here today and your

09 cooperation in the
10 investigation, please contact
11 Mr. Webb or Mr. Murray and let
12 them know immediately. Bill,
13 you have a closing statement
14 also.

15 MR. TUCKER:

16 On behalf of Miners'
17 Health, Safety & Training, I'd
18 also like to thank you for
19 coming in today. And the
20 State also offers the similar
21 protection for miners, against
22 discrimination. And there's
23 my card if you need to contact
24 me about anything or think of
25 anything that may benefit the

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01 investigation. This is C.A.
02 Phillips' card. He's our
03 deputy director out of our
04 Charleston office.

05 A. Okay.

06 * * * * *

07 EXAMINATION CONCLUDED AT 2:00 P.M.

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