

01 EXAMINATION UNDER OATH
02 OF
03 RAYMOND L. GRIMMETT
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 West Virginia
10 Department of Environmental
11 Protection, 1101 George Kostas Drive,
12 Logan, West Virginia, on Thursday,
13 March 16, 2006, at 10:49 a.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 RENEE GRIMMETT
05 EUGENE WHITE
06 BETH SPENCE

07 DENNIS BEITER
08 STEVE COX
09 RONALD STAHLHUT
10 C.A. PHILLIPS
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01 I N D E X

02

03 WITNESS: RAYMOND L. GRIMMETT

04 QUESTIONS

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01 EXHIBIT PAGE

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03 NUMBER DESCRIPTION IDENTIFIED

04 A Dispatcher log

05 1/19/06 60

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

02 -----

03 MR. WEBB:

04 My name is Anthony
05 Webb, and I represent the Mine
06 Safety and Health
07 Administration, which is an
08 agency of the U.S. Department
09 of Labor. I'm assigned to the
10 District Six office in
11 Pikeville, Kentucky, and I'm a
12 member of MSHA's accident
13 investigation team. We're
14 charged with investigating the

15 accident that occurred at
16 Aracoma Coal Company,
17 Incorporated, Aracoma Alma
18 Mine Number One on January
19 19th, 2006.

20 This is a joint
21 investigation that MSHA is
22 conducting with the State of
23 West Virginia. I will be
24 asking the questions for MSHA
25 in this interview. Also here

8

01 today are other members of
02 both MSHA's and the state
03 investigation team. MSHA's
04 team includes various
05 specialists from around the
06 country and members of the
07 Solicitor's Office. At this
08 time I would like to ask each
09 member of MSHA's team to
10 identify themselves for the
11 record.

12 ATTORNEY BELL:

13 Keith Bell, Arlington,
14 Virginia.

15 MR. STAHLHUT:

16 Ron Stahlhut, MSHA,

17 Vincennes, Indiana.

18 MR. BEITER:

19 Denny Beiter,
20 Triadelphia, West Virginia.

21 MR. FRANCCART:

22 Bill Francart,
23 Pittsburgh, Pennsylvania.

24 MR. BURKE:

25 Tony Burke, MSHA,

9

01 Whitesburg, Kentucky.

02 MR. WEBB:

03 Also here today,
04 representing the State of West
05 Virginia is Mr. Bill Tucker.
06 Mr. Tucker will also be asking
07 questions. At this time, I
08 would like to ask Mr. Tucker
09 to make his opening statement
10 and identify the members of
11 the State's team.

12 MR. TUCKER:

13 The West Virginia
14 Office of Miners' Health,
15 Safety & Training is
16 conducting this interview
17 session jointly with MSHA, and
18 we are in agreement with the
19 procedures outlined by Mr.

20 Webb.

21 However, let me make it
22 clear that the Director
23 reserves the right, if
24 necessary, to call or subpoena
25 witnesses or require the

10

01 production of any record,
02 document, photograph or other
03 relevant materials necessary
04 to conduct this investigation.

05 My name is Bill Tucker.
06 I'm the Assistant Inspector at
07 Large out of the Oak Hill
08 office, and that's in Region
09 Four.

10 MR. COX:
11 Steve Cox, out of
12 Region Three, Danville.

13 MR. WHITE:
14 Eugene White, District
15 Inspector, Region Three,
16 Danville.

17 MR. PHILLIPS:
18 C.A. Phillips, Deputy
19 Director, Charleston, West
20 Virginia.

21 MS. SPENCE:

22 Beth Spence, with the
23 Governor's Office.

24 MR. WEBB:

25 This investigation is

11

01 being conducted by MSHA and
02 the State of West Virginia to
03 gather information to
04 determine the cause of the
05 accident and to help prevent
06 similar accidents from
07 occurring in the future.

08 These interviews are an
09 important part of the
10 investigation.

11 After the investigation
12 is completed, MSHA will issue
13 a written report detailing the
14 nature and causes of the
15 accident. MSHA accident
16 reports are made available to
17 the public in the hope that
18 greater awareness about the
19 causes of accidents can reduce
20 their occurrence in the
21 future. Information obtained
22 through witness interviews is
23 frequently included in these
24 reports. Your statement may

25 also be used in other

12

01 enforcement proceedings.

02 I want to thank you in
03 advance for appearing here
04 today. We appreciate your
05 assistance in the
06 investigation because it's the
07 willingness of miners and mine
08 operators to work with us
09 that's critical in our success
10 in preventing accidents.

11 This interview with
12 Raymond Grimmett is being
13 conducted under Section 103(a)
14 of the Federal Mine Safety &
15 Health Act of 1977 as part of
16 an investigation by the Mine
17 Safety and Health
18 Administration into the
19 conditions, events and
20 circumstances surrounding the
21 fatalities that occurred at
22 Aracoma Alma Mine Number One,
23 located at Route 17 North,
24 Bandmill Hollow Road,
25 Stollings, West Virginia,

13

01 25646.

02 This interview is being
03 conducted at the West Virginia
04 Department of Environmental
05 Protection, in Logan, West
06 Virginia, on March 16th, 2006.
07 The current time is 10:53
08 Eastern Standard Time. That's
09 a.m.

10 Mr. Grimmett, this
11 interview will begin by asking
12 you a series of questions.
13 Feel free at any time to
14 clarify any statement that you
15 make in response to the
16 questions. After we have
17 finished asking questions, you
18 will also have an opportunity
19 to make a statement of your
20 own and provide us with any
21 other information you believe
22 is important.

23 You are permitted to
24 have a representative with you
25 during this interview, and you

14

01 can consult with your
02 representative at any time.
03 You may designate any person

04 to be your representative.
05 Following the questions by
06 MSHA and the State, this
07 representative will be given
08 the opportunity to ask
09 questions for purposes of
10 clarification on areas already
11 discussed.

12 Your statement is
13 completely voluntary. You may
14 refuse to answer any question
15 and you may end your interview
16 at any time. If you do not
17 understand a question, please
18 tell me so that I can clarify
19 it. If you need a break at
20 any time for any reason, just
21 let me know.

22 You may request the
23 opportunity to make a
24 confidential statement which
25 we will withhold from the

15

01 public to the extent allowed
02 by law. Should you desire to
03 give a confidential statement,
04 you should advise me before I
05 begin your interview so that I

06 can make arrangements to
07 consider your request. Do you
08 wish to have a confidential
09 interview?

10 MR. GRIMMETT:

11 No.

12 MR. WEBB:

13 I need to just ask you
14 to speak up so the court
15 reporter ---.

16 MR. GRIMMETT:

17 All right. No.

18 MR. WEBB:

19 Okay. Thank you. A
20 court reporter will record
21 your interview and will later
22 produce a written transcript
23 of that interview. I'd like
24 to ask that you state all of
25 your answers verbally because

16

01 the court reporter cannot
02 record gestures like nodding
03 or shaking your head. I'd
04 also like to ask you to speak
05 up so that the other members
06 in the room can hear you.

07 Neither this transcript
08 of the interview nor the

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

16 If any part of your
17 interview or any part of your
18 statement is based on
19 information you learned from
20 someone else, please let us
21 know. Please answer each
22 question as fully as you can,
23 including any information you
24 may have learned from someone
25 else. We may not ask the

17

01 right question, so if you have
02 information about a subject
03 area, don't feel limited by
04 the precise question asked.
05 If you have information about
06 a subject area, please provide
07 us with that information.

08 Do you have any
09 questions about the manner in
10 which the interview will be

[REDACTED]

19 BY MR. WEBB:

20 Q. And telephone number?

21 A. It's 583-6123. That's my
22 dad's phone number.

23 Q. And that's area code (304)?

24 A. Yeah.

25 Q. Are you appearing voluntarily

19

01 at this interview?

02 A. Yes.

03 Q. Has anyone made any promises
04 to you for giving your statement or
05 offered you any rewards in exchange
06 for your statement?

07 A. No.

08 Q. Has anyone threatened you or
09 warned you not to provide a
10 statement?

11 A. No.

12 Q. Do you understand that you may
13 refuse to answer any question or
14 terminate this interview at any time?

15 A. Yes.

16 Q. Do you have a representative
17 with you?
18 A. My wife.
19 Q. And would you please identify
20 her?
21 A. Renee Grimmett.
22 Q. Thank you. Were you
23 interviewed by the company before
24 today about the fire?
25 A. No.

20

01 Q. Did you attend a meeting at a
02 local grade school?
03 A. No.
04 Q. All right.
05 A. Well, we had our annual
06 retraining, but that was ---.
07 Q. That was separate?
08 A. Yeah.
09 Q. Okay. Raymond, how long have
10 you worked at the Aracoma Mine?
11 A. Right at five years.
12 Q. And what's your current job
13 title?
14 A. Road grader.
15 Q. How long have you had that
16 job?
17 A. A couple months.
18 Q. Was that your job title on

19 January 19th?

20 A. Yes.

21 Q. Are you a member of

22 management?

23 A. I'm a member, not no

24 management, no.

25 Q. You're an hourly worker?

21

01 A. Yeah.

02 Q. What other jobs have you held

03 at this mine?

04 A. I laid track.

05 Q. And how many total years of

06 mining experience do you have?

07 A. Five years. That's the only

08 place I've ever worked.

09 Q. So all of your mining

10 experience is at this mine?

11 A. Yes.

12 Q. Can you tell me who your

13 immediate supervisor is?

14 A. Fred Horton.

15 Q. So you work directly for Fred

16 Horton?

17 A. Yes.

18 Q. Does he work the same shift

19 you work?

20 A. Yes, he does.

21 Q. Okay, Raymond. Let's go back
22 to January the 19th of 2006, the day
23 of the fire. What shift were you
24 scheduled to work that day?

25 A. Second.

22

01 Q. And what time does that shift
02 start and end?

03 A. It starts at 4:00. I get out
04 at 12:00.

05 Q. That would be 4:00 p.m. 'til
06 12:00 midnight?

07 A. Yes.

08 Q. About what time did you arrive
09 at the mine that day?

10 A. I was probably about 30
11 minutes early.

12 Q. And who was your supervisor on
13 the 19th?

14 A. Fred Horton.

15 Q. What was your work assignment
16 for that day?

17 A. Grading road.

18 Q. And any particular area?

19 A. I don't remember if they told
20 me a certain spot to go or not.

21 Usually I just go in and just grade
22 roads wherever they need --- wherever
23 it's rough at.

24 Q. And how do you get your work
25 assignment for a day?

23

01 A. Usually I end up seeing the
02 day shift boss, and he tells me
03 wherever it's rough, whatever it
04 needs.

05 Q. And who is that?

06 A. That's Dennis Spaid
07 (phonetic).

08 Q. Do you usually grade road in
09 the North Mains area, where the track
10 used to be?

11 A. Yes.

12 Q. What was the last shift you
13 worked before the 19th of January?

14 A. I'm not sure what you're
15 saying.

16 Q. Did you work on January the
17 18th?

18 A. I believe I did, yes.

19 Q. Okay. What I'd like for you
20 to do is just kind of tell me ---
21 from the beginning of your shift,
22 just tell me what you did on the day
23 of the 19th, let's say from the time
24 you arrived at the mine. Just kind
25 of tell me what you did during the

01 normal course of your work that day.

02 A. My road grader sits on the

03 ground probably about two breaks. It

04 was between the first two sets of

05 doors. I went in, done my pre-op. I

06 was calling for a road to go into the

07 Three-way, and then the dispatcher

08 hollered at me and told me that Fred

09 Horton needs me to bring him a chain

10 ratchet to the Number One Four-way.

11 So an electrician brang it to me, Tim

12 Dingess, brang me the three-turn

13 chain ratchet that Fred was wanting.

14 So that's --- right after I done my

15 pre-op --- it probably took me about

16 40 minutes, something like that, at

17 the beginning of the shift. I

18 finally made it to Number One Four-

19 way with it, but --- well, shoot.

20 How do I say this?

21 Q. That's all right. Just take

22 your time.

23 A. Before I can leave the box cut

24 going to the Three-way, I heard

25 another boss on the phone tell me ---

01 well, he didn't tell me. I heard him

02 talking on the phone, that he can see

03 smoke up there. And then right after
04 that I heard him say, well, I see a
05 little fire now. And then another
06 boss told him, well, put it out. And
07 he said, well, I will as soon as I
08 get to it. And then I had to call
09 for the road to go to the Three-way,
10 to Number One Four-way. When I
11 finally made it to there, I asked ---
12 you know, asked the dispatcher,
13 where's Fred at so I can give him his
14 chain ratchet, and he was already
15 gone. He told me, he said, there's
16 an emergency at the mother drive and
17 they need you up there. And so then
18 I left the Number One Four-way and
19 got up to the top of the hill as fast
20 as I could. And I seen all the guys
21 stepping out of the stopping, getting
22 out of that smoke.

23 Q. It's all right. Take your
24 time. If you need a break, we'll
25 take one. I'll tell you what let's

26

01 do, let's back up a little bit. Do
02 you wear a watch when you work?

03 A. Yes, I do.

04 Q. Do you keep pretty close track

05 on what goes on, what time you do
06 this or do that?
07 A. No. I usually don't pay no
08 attention to the time.
09 Q. One of the things I was
10 interested in was, for instance,
11 would you remember about what time
12 that you got a call to bring a chain
13 ratchet in the mine?
14 A. No. Like I say, I went in and
15 done my pre-op. It took me probably
16 about 40 minutes to get started. I
17 don't if it's right or accurate or
18 not. I try to get the road units. I
19 don't really know what time it was.
20 Q. Let's see. You get to the
21 mine about 3:30, and your shift
22 starts at 4:00, so I guess --- do you
23 know about what time maybe you got
24 into the --- maybe you ---?
25 A. Probably about 15 minutes

27

01 after I got done there.
02 Q. So one might say 15 before you
03 were maybe in the box cut?
04 A. Yes, something like that.
05 That's just real close to it.
06 Q. And then maybe, I don't know,
07 I guess you bring your own light or

08 you pick up one down there?
09 A. They got one at the bottom of
10 the elevator. The dispatcher ---.
11 Q. That's where you get your
12 light. So you would have gotten your
13 light and then done a few other
14 things. And did somebody holler at
15 you and say, hey, Ray, we need you to
16 get a chain ratchet or ---?
17 A. No, that was after I went
18 underground. I got my light, went
19 underground and done my pre-op.
20 Q. So you were already
21 underground and had done your pre-op?
22 A. Yeah.
23 Q. About how long you figure that
24 takes?
25 A. Probably about 30 to 40

28

01 minutes.
02 Q. Okay. And then that was when
03 you got a call to get a chain
04 ratchet?
05 A. I called for a road to go to
06 Number One Four-way and then the
07 dispatcher told me that Fred was
08 needing me to bring him a chain
09 ratchet up to Number One Four-way.

10 Q. So you were --- where were you
11 when you got that call from the
12 dispatcher?
13 A. In the box cut. It's about
14 three breaks underground, there was a
15 phone.
16 Q. Okay. I think you said the
17 grader was about two breaks
18 underground?
19 A. Yeah. I had to go through the
20 next set of doors, you know, to get
21 the phone, call for the road. And as
22 I pulled up, then I heard him
23 hollering, hollering my name.
24 Q. Oh, okay. So you heard him
25 --- you went to the phone to call for

29

01 the road and then that's when you
02 heard him ---?
03 A. Yeah, the dispatcher was
04 hollering.
05 Q. Any idea about maybe how long
06 that was from the time you went
07 underground?
08 A. I'm not sure.
09 Q. Did you stay there at that
10 phone for a little while or listen in
11 on conversations or ---?
12 A. Yeah. That's when I heard

13 that other --- that boss that was up
14 there. I guess he's at the mother
15 drive. He said he could see some
16 smoke back there.

17 Q. Okay. Do you know about how
18 long it was between the dispatcher
19 telling you that they needed a chain
20 ratchet until you heard the other
21 conversations about the smoke?

22 A. No, I'm not sure. I didn't
23 even know --- I don't even know what
24 the chain ratchet was really for.
25 Fred just needed it at the Number One

30

01 Four-way.

02 Q. Do you know who the dispatcher
03 was that called for you?

04 A. I don't know his last name.
05 His first name is Mike.

06 Q. Mike, okay. And when you
07 heard some of the other calls on the
08 mine phone, do you know who any of
09 those people were?

10 A. Yeah. The boss that I heard
11 that was on the phone saying that he
12 could see smoke was --- I can't think
13 of his name --- Bryan Cabell.

14 Q. Okay. Did you identify

15 anybody else or hear any other
16 conversations on the phone?
17 A. He was talking to somebody,
18 but I'm not sure exactly who that
19 voice was. It sounded like another
20 boss by the name of --- I think he's
21 a new one. I can't really think of
22 his name. I really can't think of
23 his name right now.
24 Q. That's all right.
25 MRS. GRIMMETT:

31

01 You told me Pat.
02 A. Pat Callaway.
03 BY MR. WEBB:
04 Q. Pat Callaway, okay.
05 A. That's who it sounded like to
06 me, was Pat Callaway. I'm not sure
07 about that.
08 Q. Did you hear any calls from
09 --- or any conversations on the phone
10 from Rod Morrison?
11 A. No.
12 Q. So you were inside the mine
13 when you first learned about the
14 fire?
15 A. Yeah.
16 Q. The first time you had heard
17 about the fire or the smoke was right

18 there at that phone?

19 A. That's the first I heard
20 anything about any kind of smoke or
21 fire. I mean, I didn't know if it
22 was bad or what.

23 Q. Did you ever get up to the
24 mother drive?

25 A. No. Almost.

32

01 Q. Almost. Did you ever see the
02 fire?

03 A. No.

04 Q. Did you ever see any smoke?

05 A. I seen a little bit of smoke.

06 Q. Can you kind of tell me a
07 little bit about where the smoke
08 might have been coming from that you
09 saw?

10 A. I'm not sure exactly where it
11 was coming from.

12 Q. Was it coming toward you or
13 going away from you?

14 A. We hung some curtain up down
15 around --- down in there and some
16 smoke started coming back down there
17 where we was at. So I'm not really
18 sure exactly where it was at.

19 Q. So you weren't involved in

20 helping to try to put the fire out?
21 A. No. I didn't help put it out.
22 Like I said, we hung up some curtain,
23 maybe try to slow the smoke down or
24 ---. I guess that's what they had us
25 hang it for.

33

01 Q. Do you remember where you hung
02 some curtain?
03 A. It was up by the top of the
04 hill. I'm not sure exactly, you
05 know, where you'd call it. Top of
06 the hill is all I've ever called it.
07 Q. Okay. Do you remember anybody
08 giving an order to evacuate the mine?
09 A. Fred Horton told us to leave.
10 Q. Where were you when ---?
11 A. That was at the top of the
12 hill, where we was hanging that
13 curtain. He told us, if you're not a
14 mine foreman, you know, if you're not
15 a boss, to leave. He was having a
16 hard time keeping everybody together
17 up there.
18 Q. So did you actually take the
19 chain ratchet and give it to Fred?
20 A. I left it on the grader when I
21 got up the top of the hill.
22 Q. And you left the grader at the

23 top of the hill?

24 A. Yes.

25 Q. And you ride out with somebody

34

01 else or walked out or ---?

02 A. With the crew that was, you

03 know, back behind the smoke and

04 stuff.

05 Q. Have you heard anything about

06 what may have caused the fire?

07 A. No.

08 Q. Okay. Let's move on to some

09 other areas. When was the last time

10 that you participated in an emergency

11 evacuation drill, you know, a fire

12 drill, at this mine?

13 A. I don't know.

14 Q. Have you ever participated in

15 one?

16 A. Not underground, no. We ain't

17 never had no kind of fire drill that

18 I know of.

19 Q. Are you familiar with the

20 construction project up in Northeast

21 Mains where they were extending that

22 72-inch belt?

23 A. I've not done no work to it,

24 if that's what you're asking.

25 Q. Okay. Did you ever hear Dusty

35

01 Dodson on the mine phone?

02 A. No. He was up there that

03 night.

04 Q. You saw him at the top of the

05 hill?

06 A. Yeah.

07 Q. About how long did you stay up

08 there at the top of the hill before

09 you were told to leave?

10 A. I'd say maybe an hour. That's

11 guessing. I'm not really sure.

12 Q. Do you remember about what

13 time you got outside?

14 A. I don't know. I never even

15 looked at my watch. There was so

16 much stuff going on, I wasn't paying

17 no attention to it.

18 Q. Are you ever involved with

19 construction or removing stoppings as

20 part of your job?

21 A. No.

22 Q. Is your job pretty much

23 grading the road and that's it, or do

24 you do other things?

25 A. That's --- I was --- you know,

36

01 we pulled a lot of track out. I used

02 to lay track there. That's the only
03 thing I've ever done is laid track
04 and now I grade roads.

05 Q. Do you remember about when you
06 pulled all the track out?

07 A. I'm not sure exactly when it
08 was we got all of it out.

09 Q. Do you remember where you were
10 involved with pulling track out of
11 the mine?

12 A. From about --- let's see. I
13 don't know how far. It was almost
14 Seven Headgate on Four track, pulled
15 all that out plum to the box cut.

16 Q. So you pulled all the track
17 out of North Mains?

18 A. Yeah.

19 Q. And what about --- what's the
20 panel on the back side of the
21 longwall where it is now? Is that
22 Four Right? Did you pull the track
23 out of there?

24 A. I'm trying to think what
25 you're calling Four Right.

37

01 Q. It would be almost straight
02 across from where you go in at the
03 box cut.

04 A. I'm not sure exactly ---.

05 Q. It would have been the old

06 Three Section.

07 A. Yes. No, let's see. No. No,

08 we didn't pull all it out.

09 Q. Okay.

10 A. We left all that up in there.

11 Q. Do you ever have an

12 opportunity to go far enough in the

13 mine to where you come to equipment

14 doors that you have to go through on

15 your grader?

16 A. Yeah, I go through the doors

17 all the time.

18 Q. Have you ever seen any of them

19 left open?

20 A. Sometimes they're open. You

21 know, not often. Most of the time

22 they're always closed.

23 Q. Have you ever seen an instance

24 where maybe both sets of doors might

25 be left open or would it just be one

38

01 set?

02 A. I've not seen both. I've seen

03 one set of them.

04 Q. Have you ever been told to run

05 up to a certain place and close a set

06 of doors that might have been left

07 open?

08 A. No.

09 Q. Do you know about the
10 atmospheric monitoring system or the
11 carbon monoxide warning system that's
12 installed at this mine? Do you know
13 there is one?

14 A. I know there's supposed to be
15 one. I'm not sure exactly how it
16 works.

17 Q. Have you ever known of an
18 alarm or a warning being given by the
19 system and been called about it?

20 A. I'm not sure what you're
21 asking.

22 Q. When there's carbon monoxide
23 that the sensors would detect, it
24 would cause an alarm --- an alert or
25 an alarm and there's certain things

39

01 that the company has to do in
02 response to that. Are you aware of
03 anything like that?

04 A. I've never seen it happen in
05 there.

06 Q. Do you remember when you might
07 have seen any of those equipment
08 doors open?

09 A. No, I sure --- just every now
10 and then, you know, you see a door
11 open or something.
12 Q. Is it a usual or a regular
13 thing to see them ---
14 A. No.
15 Q. --- or is it just every now
16 and then?
17 A. Just every now and then.
18 Q. Do you remember when you're
19 seeing these --- the times that you
20 did see an equipment door open, if it
21 was the outby door or the inby door?
22 A. You know, just different ones
23 here and there.
24 Q. Do you ever get up in the area
25 where the travelway goes from North

40

01 Mains and turns right to go up in
02 Northeast Mains?
03 A. That's the old Three Section
04 you're talking about; right?
05 Q. I'm talking about all the way
06 up like you were going towards Two
07 Section, all the way up past the
08 mother drive for the longwall belt?
09 A. Yeah, I've been all the way up
10 to Two Section.
11 Q. Did you ever do any grading up

12 in that area?

13 A. Yes.

14 Q. Do you ever go through those
15 equipment doors that's right there --

16 A. Yeah.

17 Q. --- at the mother belt drive?

18 A. Yeah.

19 Q. Do you ever see either one of
20 those doors open?

21 A. Sometimes, you know, like I
22 say, you come up to them, there'd be
23 one open. You go through them, have
24 to close them all back, but not all
25 of them. You go through them and

41

01 close them back.

02 Q. Is that a regular thing or is
03 that ---?

04 A. No, just --- I mean, I don't
05 get to go up there very often, just
06 every now and again. I have seen
07 them open once up there. Like I say,
08 I don't get to go up there very much
09 at all.

10 Q. You wouldn't remember maybe
11 the last time you had to grade that
12 roadway, would you, up in Northeast
13 Mains, towards Two Section?

14 A. It's been a long time since

15 I've been up in there, no.

16 Q. Would you remember about how

17 long that travelway was routed

18 through those equipment doors at the

19 longwall belt drive?

20 A. How long has it been that way?

21 Q. Yes.

22 A. It's been there ever since

23 they mined up through there. That's

24 the only road I remember being

25 through there.

42

01 Q. Do you remember if that

02 travelway might have been there

03 before October of 2005?

04 A. I'm not sure exactly when it

05 went up through there. However long

06 they've been up in there, the road

07 has been there.

08 Q. Going back to when you heard

09 the dispatcher holler at you to bring

10 a chain ratchet up there, do you know

11 --- can you give me an estimate of

12 about how long it might have been

13 between the time that he called and

14 said we need a chain ratchet until

15 the time that you heard Bryan Cabell

16 say that he saw smoke? Just an

17 estimate?

18 A. He wanted a chain ratchet
19 before I even heard Bryan say that.

20 Q. Okay. And then you think it
21 might have been 5, 10, 20, 30 minutes
22 or whatever?

23 A. It probably --- maybe about
24 ten minutes, maybe.

25 MR. WEBB:

43

01 Bill?

02 BY MR. TUCKER:

03 Q. I'm going to ask you a few
04 questions just to try to get an idea
05 of the time frame as far as when you
06 heard the conversation on the phone.
07 Your first conversation that you
08 heard with Bryan Cabell telling that
09 he saw smoke, was he talking to Fred
10 Horton when he was reporting that
11 smoke, or was that somebody else, or
12 who did you say?

13 A. It wasn't Fred. It was that
14 other boss.

15 Q. You mentioned Pat Callaway?

16 A. Yeah, it was Pat. That's who
17 it sounded like to me, was Pat.

18 Q. All right. Can you recall

19 hearing a conversation with Fred
20 Horton over the phone?
21 A. No.
22 Q. You also said --- how many
23 conversations did you hear about the
24 fire? You mentioned that you heard
25 one that they said they seen smoke

44

01 and again that they said they seen
02 flames.
03 A. That was the same ---
04 Q. Is that the same phone call?
05 A. --- thing. Yeah.
06 Q. Okay. Did you hear another
07 conversation after that about the
08 fire?
09 A. That was all I've ever heard
10 anybody say anything about it was,
11 you know, he sees some smoke. And he
12 said, well, I see a little flame back
13 there now --- or I see a little fire
14 back there now. And it sounded like
15 Pat told him, he said, well, put it
16 out, buddy. And he said, I'll do it.
17 He said, I'll put it out as soon as I
18 get to it. And I never heard nothing
19 else. That was all I heard him even
20 say on the phone.
21 Q. When you heard that

22 conversation, it was after you had
23 did your pre-op?

24 A. Yes.

25 Q. Okay. I think you mentioned

45

01 that Tim Dingess brought you a set of
02 chain ratchets. You had called for
03 the road to go in and Mike said, hold
04 up, Fred needs some ---

05 A. Yes.

06 Q. --- chain ratchets or a chain
07 hoist?

08 A. Tim Dingess brang them to me.

09 Q. What did Tim say to you when
10 he came in?

11 A. He said told me that Fred
12 needs them at Number One Four-way.

13 Q. Did he say anything about a
14 fire or anything?

15 A. Uh-uh (no). He never said
16 what they was for. He just said,
17 Fred needs them at Number One Four-
18 way.

19 Q. Did you ever hear any
20 conversation about a call being made
21 to Two Section for them to come off
22 the section?

23 A. No, not that I know of.

24 Q. When you had gotten to the
25 Four-way with the chain hoist, who

46

01 was at the Four-way when you got
02 there?

03 A. There was nobody there. I
04 called the dispatcher and asked,
05 where's Fred at? And then he told me
06 that there's an emergency up at the
07 mother drive and they need me up
08 there. And then I left straight from
09 there and went on up.

10 Q. Was that conversation with
11 Mike?

12 A. Yes, our dispatcher.

13 Q. He didn't make any other
14 comments about what was going on?

15 A. No. He just told me there was
16 an emergency up there and they needed
17 me up there.

18 Q. At any time from the point
19 that you went underground at the box
20 cut to doing your pre-op, at any time
21 from that point did you ever look at
22 your watch, that you can recall, and
23 a time stand out in your mind?

24 A. No, not that I can think of.

25 Q. Okay. Did you see anybody

47

01 after you left the Four-way, between
02 the Four-way and the top of the hill?
03 A. No. The only time I seen them
04 is, you know, when I talked to ---
05 turned to the right and I seen all
06 those guys coming out of the stopping
07 there, getting out of that smoke.
08 That was all the guys that was on the
09 section. They was just coming out of
10 the stopping.
11 Q. So you arrived there right at
12 the time that Two Section was coming
13 out?
14 A. Yes.
15 Q. You mentioned you had your
16 annual retraining prior to the 19th?
17 A. Yes.
18 Q. Did you don your SCSR at that
19 training?
20 A. Do you mean did I put it on,
21 is that ---?
22 Q. Put it on or ---.
23 A. Yeah.
24 Q. Okay. How did that go?
25 A. It was tougher than what I

01 thought. It's a lot harder to do in
02 the dark than I figured it would be.

03 It's pretty tough.

04 Q. Anthony was asking you about

05 having a fire drill. You had

06 mentioned that, to the best that you

07 can remember, you've never had a fire

08 drill underground at the mine?

09 A. Not that I know of. I've

10 never done it.

11 Q. So has anybody ever given you

12 any instruction on or say how to

13 spray a fire extinguisher or where

14 your waterlines and fire valves was

15 at underground or maybe hook up a

16 fire hose to an outlet and let you

17 spray it or anything of that nature?

18 A. No.

19 Q. Okay.

20 MR. TUCKER:

21 That's all I have at

22 this time. Thank you.

23 BY MR. WEBB:

24 Q. Raymond, I got a couple more

25 questions. Do you remember if there

01 was ever a different travelway, say

02 how to get to the Number Two Section,

03 or if the travelway changed while you

04 were working there?

05 A. They had --- they got two

06 entries side by side that we graded
07 roads in that you can go up.
08 Q. I know right now you can go up
09 North Mains and you turn and you go
10 under the longwall belt to get up in
11 north --- to go on up in Northeast
12 Mains toward Two Section. Do you
13 ever remember a different way of
14 going up there?
15 A. That's the only way I've ever
16 went.
17 Q. Had you ever heard people
18 talking or heard over the phone or
19 just in talking with people anything
20 about any problems with the longwall
21 belt or the take-up or storage units?
22 A. No.
23 Q. Are you aware of any other
24 fires or anything like that at this
25 mine?

50

01 A. This is the first one I've
02 heard of.
03 Q. Do you remember any
04 conversations on the phone or hearing
05 anybody talk about evacuation or
06 calling the Two Section or the
07 longwall section on the 19th and tell

08 them to come out of the mine?

09 A. Once I got up there, I wasn't

10 around no phones. I never heard

11 nobody say nothing like that.

12 Q. Okay. Now, I don't want to

13 upset you, and if you don't want to

14 talk about it, just tell me. But you

15 said when you got up there with the

16 chain ratchet you saw some people

17 coming through a --- I don't know if

18 it was a man door or ---

19 A. It was a man door.

20 Q. --- if it was an equipment

21 ---. Was it a man door?

22 A. Yes.

23 Q. Do you remember who that was

24 that you saw?

25 A. It was the Two Section coal

51

01 crew.

02 Q. Was coming out of a --- coming

03 through a man door in a stopping or

04 an overcast or ---?

05 A. They were coming out of a

06 stopping through a man door.

07 Q. Do you remember where that

08 was?

09 A. I'm not sure what break or ---

10 it's just right at the top of the

11 hill is all --- that's all I know to
12 tell you. As soon as I topped up and
13 turned right, you know, I seen them
14 coming out of that man door, all the
15 guys getting out of smoke.

16 Q. Did they have self-rescuers on
17 or ---?

18 A. Yeah, all of them had them on.
19 They said they had two guys missing.
20 And then a couple of them went back
21 through, trying to see them over
22 there.

23 Q. Do you remember a mud hole or
24 a bad spot in the roadway near or
25 under the longwall belt?

52

01 A. Yeah. That there --- when you
02 go through those doors, there's a big
03 mud hole there. It's real rough.

04 Q. Did you ever get called to
05 work on that and fill it in or do
06 some grade work in that area?

07 A. I had to grade it there all
08 the time, and I never did get it
09 filled all in.

10 Q. Do you have any idea what
11 caused that hole?

12 A. I guess it's just whenever

13 they mined it up there, I guess, you
14 know. I really don't know.
15 Q. Did you ever hear any talk
16 about maybe a water leak or water
17 from the longwall mother belt causing
18 the problem?
19 A. No.
20 Q. Did you ever hear anybody
21 talking about maybe shutting off the
22 water sprays or something to prevent
23 a problem at that location?
24 A. No, I haven't.
25 Q. Okay. We're trying to fill in

53

01 some of these times. I think you
02 said about 3:30 you got to the mine.
03 And I think you said maybe 15 minutes
04 later you were in the box cut.
05 A. Yeah.
06 Q. And do you know about how long
07 it was when you actually went
08 underground or --- do you remember
09 the time or maybe how many minutes
10 from the time you got down there
11 until you went underground?
12 A. I'm not sure exactly how long
13 it was. I got my light and just went
14 right in.
15 Q. Any estimate?

16 A. No, I'm not sure. I wouldn't
17 have no idea.
18 Q. Okay. Let's see. So you went
19 underground, did your pre-op and went
20 to the phone to call for the road.
21 And that's when you were told that
22 Fred needed the ratchet?
23 A. Yes.
24 Q. Did Dingess bring you the
25 ratchet or did you have to come

54

01 outside and get it?
02 A. No, he brought it to me.
03 Q. Any idea about how long that
04 took?
05 A. It wasn't long. He brought it
06 right to me. It didn't take him long
07 at all.
08 Q. Five, ten, fifteen minutes,
09 any idea?
10 A. Maybe five minutes or
11 something like that. He brought it
12 right straight in there to me.
13 Q. Normally, if you were --- if
14 you were leaving where the grader was
15 parked and you were traveling from
16 there to the Four-way, about how long
17 would that take you?

18 A. If you go right to the Three-
19 way and turn up, it takes probably
20 about 15 minutes, if you don't have
21 to stop nowhere.

22 Q. Would you say that on the 19th
23 it took you about the same amount of
24 time to travel that?

25 A. No. I got --- I had to go

55

01 through the doors at the Three-way.
02 I couldn't go --- I couldn't stop at
03 the Three-way and turn toward the
04 Four-way. They had some kind of
05 thing there that they had a pillar
06 with in the road, so I had to go
07 through the doors at the Three-way
08 and up through the intake, that way.

09 Q. So it took you longer?

10 A. Yeah, it took me longer than
11 it normally does.

12 Q. About how much longer, any
13 idea?

14 A. I'm not really sure. I had a
15 pretty tough time that day getting up
16 through there. That's ---.

17 Q. If your starting time is four
18 o'clock, would it have been unusual
19 for you to go in the mine before four
20 o'clock or would you try to go

21 underground right at about four
22 o'clock or ---?
23 A. I tried to go --- I'd go the
24 elevator right at 4:00.
25 Q. But on the 19th you got there

56

01 about 15 minutes early, I guess?
02 A. Yeah.
03 Q. When you were up there, did
04 you ever --- up at the top of the
05 hill, did you ever see any fire hose
06 stretched out in that area?
07 A. I'm not sure. You know, like
08 I say, I'm hardly ever up there.
09 Q. I guess to clear something up
10 in my mind, how far would you say the
11 top of the hill is from where the
12 longwall mother belt drive is?
13 A. I'm not sure how many breaks
14 it would be over through there. It's
15 --- I'm going to guess probably about
16 ten breaks.
17 Q. Did you see any fire hoses at
18 all when you were in there?
19 A. I've not seen none. You know,
20 the fire --- like I say, I usually
21 don't get stopped around the belts or
22 nothing. I just pass right on

23 through.

24 Q. Have you ever heard anybody

25 talking about maybe using a fire hose

57

01 and hooking it up to cool off a belt

02 roller?

03 A. No.

04 Q. And I think you said that when

05 you were going to take the chain

06 ratchet up to the Four-way, you

07 couldn't go the normal way?

08 A. Right.

09 Q. Can you tell me what it was

10 that was in your way?

11 A. I'm not sure what they call

12 that thing. They use it to hold the

13 top up when they're peeling. I'm not

14 sure what they call it.

15 Q. Would it have been a mobile

16 roof support?

17 A. Yes.

18 Q. And had it been there for a

19 while or ---?

20 A. No, they were just taking it

21 in.

22 Q. Okay. So you hadn't had to

23 take a detour say on the previous

24 shift or anything because of it?

25 A. No, that's the first time.

01 Q. Did everybody have to go take
02 the detour that day because of where
03 that was located?

04 A. Not that I know of. He had
05 just made it there as far as I know.

06 Q. So he was actually moving that
07 thing that day?

08 A. Yeah.

09 Q. Okay. So as far as you know,
10 you're the only one that actually had
11 to detour around it?

12 A. As far as I know, I was.
13 Yeah, he just had made the turn,
14 left-hand turn over to the Three-way.
15 He just had turned that break and had
16 the road blocked, so I had to go
17 through the doors.

18 Q. Okay.

19 MR. WEBB:

20 Bill, do you have
21 anything else?

22 MR. TUCKER:

23 Yes, sir.

24 BY MR. TUCKER:

25 Q. Just a couple more questions

01 just so I'll be clear in my mind. On

02 the 19th, the best that you can
03 remember, what time did you go down
04 the elevator?

05 A. Probably about right at four
06 o'clock, I'd say.

07 Q. So then you went and got your
08 light and ---

09 A. Yeah, and went right
10 underground.

11 Q. --- then went underground to
12 do your pre-op on your grader?

13 A. Grader, yes.

14 Q. You said that usually takes 30
15 to 40 minutes?

16 A. Yes.

17 Q. Then after doing your pre-op,
18 you went to call for the road. And
19 that's when you heard the
20 conversation about the smoke?

21 A. Yes, up on the hill there.

22 Q. Okay.

23 MR. WEBB:

24 Do you want to take a
25 little break?

60

01 MR. TUCKER:

02 Just one second.

03 SHORT BREAK TAKEN

04 MR. TUCKER:

05 Back on the record.

06 BY MR. TUCKER:

07 Q. I have what's called an

08 Aracoma Coal Dispatcher Log, and it

09 will be referred to as Exhibit A,

10 Grimmett.

11 (Grimmett Exhibit A

12 marked for

13 identification.)

14 BY MR. TUCKER:

15 Q. Here's the log that the

16 dispatcher made on the day of the

17 19th. Can you find on here where

18 you're listed as calling for the

19 road?

20 A. Yes.

21 Q. And what time does it say?

22 A. 5:18.

23 Q. That's listed as your ---?

24 A. Dispatcher time.

25 MRS. GRIMMETT:

61

01 That's your departure

02 time.

03 BY MR. TUCKER:

04 Q. Is that for your departure

05 time?

06 A. Departure time.

07 Q. So according to this log
08 sheet, you would have went inside at
09 --- or called for the road around
10 5:18?
11 A. Yes.
12 Q. And that's when you heard the
13 call about the smoke?
14 A. Yep. I heard the call just,
15 you know, barely before I went over
16 and called --- as soon as he quit
17 talking, then I called for a road for
18 me to go to Number One Four-way.
19 Q. So that would have just been
20 like a minute prior to?
21 A. Yeah, I guess. As soon as he
22 quit talking, I called for the road.
23 Q. I have one other question. Do
24 you recall hearing any conversations
25 or discussions, thinking back now,

62

01 about the fire that you can recall?
02 Can you recall hearing anybody
03 talking about the fire or any
04 discussions that night ---

05 A. No.

06 Q. --- about the fire?

07 A. No, I can't.

08 MR. TUCKER:

09 Okay. Thank you.

10 BY MR. WEBB:

11 Q. I guess I just have one other
12 question. When you called for the
13 road, this would have been when you
14 were at the phone that was about
15 three crosscuts underground?

16 A. Yeah.

17 Q. Okay.

18 MR. WEBB:

19 All right. Raymond, on
20 behalf of MSHA, I want to
21 thank you for appearing here
22 today and answering our
23 questions and sharing
24 information about the mine.
25 Your cooperation is very

63

01 important to us as we work to
02 determine the cause of the
03 accident. If you wish, you
04 can go back over any answer
05 that you've given during the
06 interview. You can also make
07 a closing statement, if you
08 have one, or cover any
09 additional points that you
10 think should be raised.

11 A. I guess that's all. I can't

12 think of nothing else right now.

13 MR. WEBB:

14 Okay. I'd like to ask
15 your wife if she has anything
16 that she'd like to say?

17 MR. GRIMMETT:

18 Uh-uh (no).

19 MR. WEBB:

20 Okay. We'd like to ask
21 that you not discuss your
22 interview today with any
23 person who may have already
24 been interviewed or some
25 people we may interview in the

64

01 future. We want to ensure
02 that we get everybody's
03 independent memory of the
04 events surrounding the
05 accident.

06 After questioning other
07 witnesses and getting
08 additional information, we
09 might ask you to come back for
10 some further questions. If at
11 some later point you have any
12 additional information that
13 you think that might be useful
14 to us, I'd like to ask you to

15 either contact me or Kenny
16 Murray. I have a couple of
17 cards here with our office
18 numbers on them. You can call
19 and leave a voice mail and
20 we'll get right back to you.
21 Kenny Murray is the district
22 manager in District Six for
23 MSHA. He's also the leader of
24 the investigation team. And
25 there's my card.

65

01 The Mine Act also
02 provides protection for
03 individuals who participate in
04 accident investigations. So
05 if at any time you feel that
06 you've been treated unfairly
07 because of your cooperation
08 with the investigation, please
09 immediately call Mr. Murray or
10 myself. And I think Mr.
11 Tucker has some cards for you
12 also.

13 MR. TUCKER:

14 The State also offers
15 protection against
16 discrimination against miners.

17 And I'll leave you my card if
18 you ever need to contact me
19 about anything. And this is
20 C.A. Phillips' card. He's our
21 Deputy Director out of our
22 Charleston office. And on
23 behalf of Miners' Health,
24 Safety & Training, I'd like to
25 thank you again for coming in.

66

01 We really appreciate your
02 time.

03 A. You're welcome.

04 MR. WEBB:

05 Raymond, we really
06 appreciate it, buddy. Thank
07 you so much.

08

09 * * * * *

10 EXAMINATION CONCLUDED AT 11:43 A.M.

11 * * * * *

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