

01 EXAMINATION UNDER OATH
02 OF
03 KEVIN RAY 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 Wednesday, April 12, 2006, at
13 10:12 a.m.

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24
25

3

01 A P P E A R A N C E S (cont.)
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09

10 ALSO PRESENT:

11 EUGENE WHITE

12 BETH SPENCE

13 RONALD STAHLHUT

14 C.A. PHILLIPS

15 CHARLIE POGUE

16 MIKE FINNIE

17 DERRICK TJERNLUND

18 DENNIS BEITER

19

20

21

22

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01 I N D E X

02

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

02 -----

03 MR. BEITER:

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

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

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

7

01 each of the members of MSHA's
02 team to identify themselves
03 for the record.

04 ATTORNEY BELL:

05 Good morning, Mr.
06 Evans. My name is Keith Bell.
07 I'm with the Solicitor's
08 Office in Arlington, Virginia.

09 MR. STAHLHUT:

10 Ron Stahlhut, MSHA,
11 Vincennes, Indiana.

12 MR. POGUE:

13 Charlie Pogue, MSHA,
14 Hunker, Pennsylvania.

15 MR. FINNIE:
16 Mike Finnie, MSHA,
17 Madisonville, Kentucky.

18 MR. TJERNLUND:
19 Derrick Tjernlund, MSHA
20 Tech Support, Triadelphia.

21 MR. FRANCCART:
22 Bill Francart,
23 Pittsburgh, Pennsylvania.

24 MR. BEITER:
25 And I work out of

8

01 Triadelphia, West Virginia, in
02 the Technical Support Group.

03 Here today with us,
04 representing the State of West
05 Virginia, is Mr. Bill Tucker.
06 Mr. Tucker will be asking the
07 questions for the State. And
08 at this time Mr. Tucker has a
09 statement for you and would
10 like to introduce the members
11 of his team.

12 MR. TUCKER:
13 We appreciate you
14 coming in today, Kevin. I
15 have a statement I need to
16 read for the record. The West

17 Virginia Office of Miners'
18 Health, Safety & Training is
19 conducting this interview
20 session jointly with MSHA, and
21 we are in agreement with the
22 procedures outlined by Mr.
23 Beiter.

24 However, let me make it
25 clear that the Director

9

01 reserves the right, if
02 necessary, to call or subpoena
03 witnesses or require the
04 production of any record,
05 document, photograph or other
06 relevant materials necessary
07 to conduct this investigation.

08 Again, my name is Bill
09 Tucker. I'm with Miners'
10 Health, Safety & Training. I
11 work out of the Oak Hill
12 office.

13 MR. PHILLIPS:

14 Good morning, Kevin.
15 My name is C.A. Phillips. I'm
16 the Deputy Director with
17 Miners' Health, Safety &
18 Training in Charleston, West
19 Virginia.

20 MR. WHITE:
21 Eugene White, District
22 Inspector, Region Three,
23 Danville.

24 MS. SPENCE:
25 I'm Beth Spence, with

10

01 the Governor's Office.

02 MR. BEITER:

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

13 After the investigation
14 is completed, MSHA will issue
15 a written report detailing the
16 nature and the causes of the
17 accident. MSHA accident
18 reports are made available to
19 the public in the hope that
20 greater awareness about the
21 causes of accidents can reduce

22 their occurrence in the
23 future. Information obtained
24 through interviews is often
25 included in these reports.

11

01 Your statement may also be
02 used in other enforcement
03 proceedings.

04 Mr. Evans, I would like
05 to thank you in advance for
06 your appearance here today.
07 We appreciate your assistance
08 in this investigation. The
09 willingness of miners and mine
10 operators to work with us is
11 important to the success in
12 making our mines safer.

13 This interview with Mr.
14 Kevin Evans is being conducted
15 under Section 103(a) of the
16 Federal Mine Safety & Health
17 Act of 1977 as part of an
18 investigation by the Mine
19 Safety and Health
20 Administration into the
21 conditions, events and
22 circumstances surrounding the
23 fatalities that occurred at
24 the Aracoma Alma Mine Number

25 One, located at Route 17

12

01 North, Bandmill Hollow Road,
02 Stollings, West Virginia,
03 25646.

04 This interview is being
05 conducted at the State of West
06 Virginia Department of
07 Environmental Protection,
08 Division of Mining and
09 Reclamation, at 1101 George
10 Kostas Drive, Logan, West
11 Virginia, 25601, on April
12 12th, 2006.

13 Mr. Evans, the
14 interview will begin by asking
15 you a series of questions.
16 Feel free at any time to
17 clarify any statement that you
18 make in response to these
19 questions. After we have
20 finished asking questions, you
21 will also have an opportunity
22 to make a statement of your
23 own and to provide us with any
24 additional information that
25 you believe may be important.

13

01 You are permitted to
02 have a representative with you
03 during this interview and you
04 may consult with your
05 representative at any time.
06 You may designate any person
07 to be your representative.
08 Following the questions by
09 MSHA and the State, this
10 representative will be given
11 an opportunity to ask
12 questions for purposes of
13 clarification on any areas
14 that have already been
15 discussed. Your statement is
16 completely voluntary. You may
17 refuse to answer any question
18 and you may end your interview
19 at any time. If you do not
20 understand a question, just
21 let us know and we'll rephrase
22 it. If you need a break for
23 any reason, let us know and
24 we'll take a break.

25 You may request the

14

01 opportunity to make a
02 confidential statement, which
03 we will withhold from the

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

13 MR. EVANS:

14 No.

15 MR. BEITER:

16 A court reporter will
17 record your interview and will
18 later produce a written
19 transcript of the interview.
20 I ask you to state all of your
21 answers verbally because the
22 court reporter cannot record
23 gestures like nodding or
24 shaking of your head. Neither
25 the transcript of this

15

01 interview nor the content of
02 this interview will be
03 released to the public or the
04 media until MSHA's final
05 accident investigation report

06 is issued or until required by
07 Court Order or until a public
08 hearing takes place. If any
09 part of your statement is not
10 based on your own firsthand
11 knowledge but on information
12 that you learned from someone
13 else, please let us know that.
14 Please answer each question as
15 fully as you can, including
16 any information that you
17 learned from somebody else.
18 We may not ask the right
19 questions to learn the
20 information that you have, so
21 please don't feel limited by
22 the precise wording of the
23 questions in your answers. If
24 you have information about the
25 subject area of the question,

16

01 please provide us with that
02 information. Do you have any
03 questions about how the
04 interview will take place?

05 MR. EVANS:

06 No. Uh-uh (no).

07 MR. BEITER:

08 Please swear or affirm

09 the witness.

10 -----

11 KEVIN RAY EVANS, HAVING FIRST BEEN

12 DULY SWORN, TESTIFIED AS FOLLOWS:

13 -----

14 BY MR. BEITER:

15 Q. Mr. Evans, please state your
16 full name, address, telephone number,
17 and please spell your last name for
18 the record.

19 [REDACTED]

[REDACTED] Spell my

21 whole name now?

22 Q. I'm sorry. Could you repeat
23 that? I just didn't understand.

24 A. What do you want me to do
25 again?

17

01 Q. Everything.

02 A. [REDACTED]

[REDACTED]

04 Q. Yes.

05 A. K-E-V-I-N, E-V-A-N-S.

06 Q. Okay. Could you give us your
07 telephone number?

[REDACTED]

[REDACTED]

10 A. Yeah.

11 Q. Thank you. Mr. Evans, may I
12 call you Kevin?

13 A. Yeah.

14 Q. You can call me Denny. And
15 I'm sure Bill's comfortable with
16 Bill. Kevin, are you appearing
17 voluntarily at this interview?

18 A. Yeah.

19 Q. Has anyone made you any
20 promises for giving this statement?

21 A. No.

22 Q. Has anyone offered you any
23 rewards in exchange for making this
24 statement?

25 A. No.

18

01 Q. Has anyone threatened you or
02 warned you not to give this
03 statement?

04 A. No.

05 Q. Do you understand that you may
06 refuse to answer any question?

07 A. Yeah.

08 Q. Do you understand that you may
09 terminate this interview at any time?

10 A. Yeah.

11 Q. Do you have a representative
12 with you today?

13 A. Yeah.

14 Q. Could you please identify him?

15 A. Mark.

16 ATTORNEY HEATH:

17 It's Mark Heath with

18 Spilman Thomas, Aracoma's

19 Counsel.

20 BY MR. BEITER:

21 Q. When did you first meet Mr.

22 Heath?

23 A. About 9:20, 9:30 this morning.

24 Q. Pardon me?

25 A. 9:20, 9:30 this morning.

19

01 ATTORNEY HEATH:

02 This morning he's

03 saying.

04 BY MR. BEITER:

05 Q. This morning?

06 A. Yeah.

07 Q. Thank you. How did you come

08 about meeting Mr. Heath?

09 A. I told Pepe I had a meeting

10 down here, and Pepe asked me did I

11 want somebody to represent me. I

12 told him yeah. He got ahold of him

13 for me.

14 Q. Pepe Lawrence --- Lester?

15 A. Yeah.

16 Q. Pepe Lester?

17 A. Yeah.

18 Q. That works at Aracoma Mine?

19 A. Yeah.

20 Q. Did you contact Mr. Heath or
21 did he contact you?

22 A. He contacted me.

23 Q. Did you make a decision to
24 choose Mr. Heath as your
25 representative in this matter?

20

01 A. Yeah.

02 Q. Have you been made aware that
03 Mr. Heath also represents the company
04 in this matter?

05 A. Yeah.

06 Q. And that there is a potential
07 for conflict to arise, conflict of
08 interest to arise between yourself
09 and the company?

10 A. Yeah.

11 Q. Do you want to proceed with
12 Mr. Heath representing you, despite
13 any potential conflict of interest?

14 A. Yeah.

15 Q. Did Mr. Heath discuss what was
16 going to take place in today's
17 interview?

18 A. Yeah.

19 Q. Can you elaborate?

20 A. He told me you're going to be
21 asking about my job and whatever you
22 do, tell the truth about everything.

23 Q. Did you talk to anyone who's
24 already been interviewed?

25 A. No.

21

01 Q. Were you interviewed by the
02 company before today?

03 A. No.

04 Q. Did you attend a meeting at a
05 local grade school?

06 A. No.

07 Q. Kevin, how long have you
08 worked at Aracoma Alma Mine Number
09 One?

10 A. About two years.

11 Q. What is your current job
12 title?

13 A. Moving equipment from one
14 place to another place.

15 Q. Just equipment or materials
16 and supplies?

17 A. Longwall equipment.

18 Q. Longwall equipment?

19 A. Yeah.

20 Q. During the longwall moves?

21 A. No, all the time. When we
22 tear the old longwall down, I got to
23 move the old piece to the new
24 longwall. Like the pan line, the
25 head grab, all that stuff.

22

01 Q. Are there multiple sets of
02 equipment for multiple faces? Do you
03 have enough equipment that while Nine
04 headgate is running now, that you
05 also have material that you're
06 already setting up in Ten?

07 A. Yeah.

08 Q. Have you started moving
09 material into Ten headgate already?

10 A. No, not yet.

11 Q. So what have you been doing
12 since?

13 A. Taking care of graveling the
14 roadway, fixing the roadway,
15 everything.

16 Q. Okay. How long have you held
17 that position?

18 A. Ever since I've been at
19 Aracoma.

20 Q. Do you rotate shifts?

21 A. No.

22 Q. What's your normal shift?

23 A. Straight day shift.

24 Q. And what are your normal work
25 hours for that shift?

23

01 A. 7:00 to 3:00 to 4:00 every
02 day.

03 Q. What was your job title on
04 January 19th, 2006?

05 A. What day is that?

06 Q. The day of the accident.

07 A. Taking care of the roadway.

08 Q. On day shift?

09 A. Yeah.

10 Q. And you worked that day?

11 A. Yeah.

12 Q. Are you considered a member of
13 management?

14 A. You mean upper --- no.

15 Q. Do you supervise anyone?

16 A. No.

17 Q. Do you hold any state or
18 federal mine examination
19 certifications ---

20 A. No.

21 Q. --- or qualifications?

22 A. No.

23 Q. Have you had any other jobs at
24 this mine?

25 A. No.

01 Q. How many total years of mining
02 experience do you have?

03 A. About nine.

04 Q. Underground?

05 A. Yeah.

06 Q. Where else did you work?

07 A. Independence Coal and
08 Mingo-Logan.

09 Q. What did you do there?

10 A. The same thing I do for
11 Independence --- I mean, Aracoma.

12 Q. The same thing for all nine
13 years, you've been ---

14 A. Yeah, the hauler.

15 Q. --- the hauler?

16 A. Yes.

17 Q. Who's your immediate
18 supervisor?

19 A. Pepe.

20 Q. Does he work the same shift as
21 you?

22 A. Yeah.

23 Q. Does he direct you daily?

24 A. No. C.W. mostly.

25 Q. Pardon me?

01 A. C.W., the longwall
02 coordinator.

03 Q. C.W.?
04 A. Yeah.
05 Q. C.W. is Clarence Workman; ---
06 A. Yeah.
07 Q. --- is that correct? So
08 Clarence Workman gives you work
09 orders every day?
10 A. Yeah.
11 Q. Does he work day shift?
12 A. Yeah.
13 Q. Does he give you written
14 orders or ---
15 A. No.
16 Q. --- verbal?
17 A. Yeah.
18 Q. Are you pretty familiar with
19 the mine?
20 A. Pretty okay.
21 Q. Do you ever drive out to Rum
22 Creek?
23 A. Yeah.
24 Q. On the track?
25 A. Yeah.

26

01 Q. From the box cut out to Rum
02 Creek?
03 A. Uh-huh (yes).
04 Q. And you've been up on north

05 mains, all the way up into north
06 mains?
07 A. I've been everywhere in the
08 mine.
09 Q. Northeast mains or Two section
10 longwall, ---
11 A. Yeah.
12 Q. --- headgate, tailgate, Ten
13 headgate?
14 A. Yeah.
15 Q. All of it. Okay. All the
16 roadways?
17 A. Yeah.
18 Q. Three section?
19 A. Yeah.
20 Q. Know where the Fourway is,
21 Number One Fourway, Number Two
22 Fourway, ---
23 A. Yep.
24 Q. --- Threeway? Do you ever
25 work on ventilation controls?

27

01 A. No.
02 Q. Have you ever?
03 A. No.
04 Q. Ever built any stoppings?
05 A. Yeah, I've built stoppings.
06 Q. Built stoppings?
07 A. Yeah, up on the miner section.

08 Q. Where at?
09 A. Way up where they mined coal
10 at.
11 Q. Up on the miner sections?
12 A. Yes.
13 Q. Three section? Two section?
14 A. Not at this mine.
15 Q. Not at this mine?
16 A. No.
17 Q. Have you built any stoppings
18 at this mine?
19 A. As far as I know, no.
20 Q. You can't remember that you
21 did?
22 A. Uh-uh (no).
23 Q. Have you hauled material for
24 stoppings, like blocks? Have you
25 done their blocks?

01 A. Yeah.
02 Q. Do you recall --- have you
03 ever been in Four Right?
04 A. Four Right?
05 Q. The old Three section, the
06 back end of the longwall.
07 A. Yeah.
08 Q. Ever been in there?
09 A. Yeah, I delivered block, too.

10 Q. You did?
11 A. Yeah.
12 Q. Do you know about when that
13 was? Was it prior to the accident?
14 A. Before the fire?
15 Q. Yes.
16 A. Yeah. Maybe a month before.
17 Q. A month before?
18 A. Yeah.
19 Q. Do you recall what they were
20 --- what the blocks were being hauled
21 up there for?
22 A. No.
23 Q. Did you leave them on the
24 trailer? I guess you hauled them on
25 trailers?

01 A. Yeah.
02 Q. Did you leave them on ---?
03 A. No, they unloaded them.
04 Q. People were up there and met
05 you?
06 A. Yeah.
07 Q. And they unloaded you?
08 A. Yeah.
09 Q. Were they just pulling blocks
10 off?
11 A. Yeah.
12 Q. How did you know where to drop

13 them off at?

14 A. They told me where to go to.

15 Q. The people, when you got up

16 there, told you where to put them?

17 A. Yeah.

18 Q. Or did C.W.?

19 A. C.W. told me where to take

20 them to and then they unloaded them

21 up there, meet me.

22 Q. Once you got up there, they

23 met you and they said, Kevin, here's

24 where we need you to take them?

25 A. Yeah.

30

01 Q. Do you recall who those people

02 were?

03 A. Billy Brown and Gary Workman.

04 Q. Billy Brown and Gary Workman?

05 A. Yep.

06 Q. That's the area they worked in

07 quite a bit; wasn't it?

08 A. Yeah.

09 Q. Did you ever take rails out of

10 that area?

11 A. Yeah.

12 Q. Haul trailers with rails?

13 A. Yeah, from the door. The

14 airlock doors, from the doors back,

15 it would be.

16 Q. The door near the tailgate,
17 near Nine tailgate, right past that
18 transformer; is that correct?

19 A. Yeah.

20 Q. There's a transformer in
21 there, the KVA center, that powers
22 the pumps back there?

23 A. Yeah.

24 Q. There's a single equipment
25 door right past that?

31

01 A. Yeah.

02 Q. From that all the way out
03 towards north mains is where you're
04 talking about ---

05 A. Yeah.

06 Q. --- recovering the rails out
07 there?

08 A. Yeah.

09 Q. Have you ever gone through
10 that door up there?

11 A. No. There wasn't no need for
12 me to go through that door.

13 Q. Okay. Well, not just
14 recovering those rails, but I mean,
15 to deliver those blocks?

16 A. No.

17 Q. No. So where you delivered

18 the blocks to was outby that door?

19 A. Yeah.

20 Q. Okay. There's a couple of
21 doors going into there, going into
22 Four Right off the intake, a couple
23 of equipment doors?

24 A. Yeah.

25 Q. About a crosscut apart?

32

01 A. Yes.

02 Q. Are they pretty easy to open?

03 A. Yeah.

04 Q. Does any of them like rub
05 against the roof or hit a roof bolt
06 plate?

07 A. I don't believe so.

08 Q. Okay. I'm going to change
09 directions a little bit on you in
10 terms of questions. Did you ever
11 haul belt structure in?

12 A. No.

13 Q. No, never have? Who hauls
14 that in; do you know?

15 A. No, I don't.

16 Q. The belt crew, do they take
17 their own structure in?

18 A. Yeah.

19 Q. Do they work day shift?

20 A. Yep. Well, I don't know who
21 the boy was doing that.

22 Q. Okay. But it's not you?

23 A. No.

24 Q. Does your brother work up
25 there, too?

33

01 A. Yeah.

02 Q. He does the same type of work?

03 A. Same thing what I do.

04 Q. Okay. You said you're pretty
05 familiar with the roadways. When you
06 travel underneath the mother drive in
07 the northeast mains down, when you're
08 going down the travel road ---
09 travelway --- what do you call them,
10 the roadway? Do you call it the
11 roadway?

12 A. Uh-huh (yes).

13 Q. When you're traveling down the
14 roadway you got a set of doors you
15 come to, equipment doors, then you
16 got the mother belt, then you got
17 another set of equipment doors?

18 A. Uh-huh (yes).

19 Q. Sound familiar?

20 A. Yeah.

21 Q. Okay. The second set of
22 equipment doors, like going onto Two

23 section, past the mother drive, ---

24 A. Uh-huh (yes).

25 Q. --- do you recall the power

34

01 centers for the longwall ---?

02 A. Uh-huh (yes).

03 Q. Do you recall the crosscut on

04 the other side, downhill, the power

05 centers on the uphill side?

06 A. I remember the power box ---

07 when you're going that way?

08 Q. Yes.

09 A. Inby, I remember the power box

10 up on the bank there.

11 Q. Right beside the travel road

12 there?

13 A. Yeah.

14 Q. There's a toolbox sitting

15 right there beside it, too?

16 A. I can't remember that.

17 Q. Do you recall if there was

18 ever a stopping there or do you

19 recall when there was one?

20 A. I never did pay that much

21 attention.

22 Q. Okay. You remember seeing the

23 boxes?

24 A. Yeah.

25 Q. Have you ever seen any of

35

01 those equipment doors left open?

02 A. No.

03 Q. Have you ever seen any of them

04 knocked out, you know, like somebody

05 caught one with a trailer and ---

06 A. No.

07 Q. --- the door got ripped off

08 the hinges or something?

09 A. No.

10 Q. No. The crosscut on the other

11 side of the roadway as you're going

12 into Two section there, across from

13 the mother drive power boxes, do you

14 recall a stopping being in place

15 there?

16 A. I never did pay no attention

17 to that.

18 Q. Okay.

19 A. When I did go up there ---

20 very little I would go up there.

21 Q. Okay. There seems like

22 there's a lot of equipment doors in

23 the mine. I mean, just the travel

24 that I've had through it, there's a

25 lot of doors separating the intake

36

01 and the belt. The Fourway is one.

02 And there's two doors --- often
03 there's two doors in a series?
04 A. Uh-huh (yes).
05 Q. I'm not talking like now, but
06 I'm talking about prior to the
07 accident or at the time of the
08 accident and prior to that. Because
09 you --- and have you worked in the
10 mine since the accident?

11 A. Yeah.

12 Q. You know that there's been
13 several changes made as far as some
14 doors moved around? Just like up
15 there at the Fourway, ---

16 A. Uh-huh (yes).

17 Q. --- the door's been moved
18 around the block?

19 A. Yeah.

20 Q. And there's two doors. There
21 were two doors, one on both side of
22 the belt before?

23 A. Yeah.

24 Q. Do you know why there's two
25 doors, why somebody would construct

37

01 two doors on a travel road like that?

02 A. Yeah, for airlock.

03 Q. Do you understand how that

04 airlock works?

05 A. Uh-huh (yes).

06 Q. When you open one and the
07 other one is closed, that you still
08 maintain a separation?

09 A. Right.

10 Q. Okay. The inby door at the
11 Fourway, not the inby door that's
12 located there now, because they moved
13 it around there, but the outby door
14 now was the inby door then.

15 A. Yeah.

16 Q. Where was the inby door that
17 separated the belt entry from the
18 intake entry? Of course, I know
19 there was another door outby that.
20 Was that inby door ever --- did you
21 ever find that open?

22 A. Never.

23 Q. Never did?

24 A. No.

25 Q. How many trailers at a time do

38

01 you pull?

02 A. One.

03 Q. That's all ever?

04 A. Yeah.

05 Q. Do you ever use that 14-man
06 hauler, 14-man mantrip to haul

07 materials?

08 A. No. Up here you're talking
09 about?

10 Q. Yeah.

11 A. No.

12 Q. No. Down at Threeway, I'm not
13 sure if it still exists, but I
14 believe there was a set of airlock
15 doors down there, equipment doors
16 that you could travel instead of ---
17 say you're coming from the longwall
18 and you come through the cut-through
19 and then you come down, at the
20 Fourway instead of going from the
21 intake into the belt entries, neutral
22 entries, ---

23 A. Uh-huh (yes).

24 Q. --- and coming out to the box
25 cut, you could continue on down the

39

01 intake, past the Fourway, all the way
02 to the Threeway, and come through
03 some doors down there?

04 A. Uh-huh (yes).

05 Q. Are those doors still there
06 now?

07 A. I believe they built a
08 stopping there.

09 Q. Built stoppings there?
10 A. Yeah.
11 Q. When those doors were in use,
12 who would travel through those?
13 A. I would.
14 Q. You would?
15 A. Yeah.
16 Q. Would you routinely use those
17 instead of going up the neutrals?
18 A. Yeah.
19 Q. You would routinely haul
20 everything up to the intake, go
21 straight through the box cut at the
22 Threeway, go straight ahead and then
23 hang a left and go up the hill on the
24 intake?
25 A. Most of the time.

01 Q. Most of the time?
02 A. Yeah.
03 Q. Is there a reason that you do
04 that rather than ---?
05 A. A whole lot --- where I was
06 going to, most of the time that was a
07 shortcut for me.
08 Q. Okay. Like if you were going
09 to Four Right, that would be quicker
10 then if you're going up the Fourway
11 and you have to come back, backtrack

12 down the hill some; right?
13 A. That would be --- I mean, save
14 me a whole lot of time going that
15 way.
16 Q. Did the grader go through that
17 roadway, too? Did they maintain that
18 roadway, the grader?
19 A. Yeah, here and there they did.
20 Q. About here and there?
21 A. Yeah. But when they --- when
22 the road would get a little bit
23 rough, they'd go up there and take
24 care of it.
25 Q. And that's between the

41

01 Threeway and the Fourway at the
02 intake?
03 A. Yeah.
04 Q. Did you ever have a problem
05 with those doors?
06 A. No.
07 Q. Is there a lot of pressure on
08 them? They were harder to open than
09 some ---?
10 A. Yeah.
11 Q. The Fourway, you don't have as
12 much pressure on them?
13 A. No.

14 Q. They pretty hard?
15 A. Yep. A little bit probably.
16 Not real bad.
17 Q. I know coming in the box cut
18 there's a set of airlock doors there
19 and there's quite a lot of pressure
20 on them?
21 A. Yeah. Them's tough right
22 there.
23 Q. But to help you open them,
24 there's a couple like man doors ---
25 A. Uh-huh (yes).

42

01 Q. --- that you open up to take
02 the pressure off the door before you
03 open it?
04 A. Yeah.
05 Q. The ones at the Threeway, do
06 those have a door like that beside
07 them, too?
08 A. No.
09 Q. So I bet you they's pretty
10 hard to open?
11 A. They wasn't real bad.
12 Q. Wasn't too bad?
13 A. No.
14 Q. You can get them open one at a
15 time?
16 A. Yeah.

17 Q. Okay. Was there enough room
18 in between those doors that you could
19 actually open one door and pull up
20 and then close it before you open the
21 other one?

22 A. Yeah.

23 Q. There was? Okay. And you
24 never had to have both of them open
25 at the same time?

43

01 A. No.

02 Q. Okay. Going out to Rum Creek,
03 there's a --- I believe three sets of
04 doors just between the box cut as you
05 turn in to go down Rum Creek?

06 A. Uh-huh (yes).

07 Q. There's like three sets of
08 doors there.

09 A. There's two when you leave
10 from Threeway ---

11 Q. Yes.

12 A. --- and go down almost to I
13 believe Number Four belt head, before
14 you get to that, there were two
15 there. And then when you're almost
16 --- when you get ---.

17 Q. Almost to Rum Creek there's

18 ---?

19 A. Yeah, there's one.
20 Q. Just one down there?
21 A. Yeah.
22 Q. Do you know if they've changed
23 that since?
24 A. I ain't been there.
25 Q. You ain't been there in a

44

01 while?
02 A. After the fire.
03 Q. You haven't been there after
04 the fire. Okay.
05 A. No. Let me rephrase. I have
06 been there. I had to go get oil on
07 that --- the cable going --- door
08 down there.
09 Q. There's just one door?
10 A. Yeah.
11 Q. All the way at the end of Rum
12 Creek?
13 A. Yeah. But that may be four or
14 five days after the fire.
15 Q. There was just one door down
16 there then?
17 A. Yeah.
18 Q. There wasn't two, like an
19 airlock?
20 A. No.
21 Q. Were they a little hard to

22 open?

23 A. Yeah, they was a little bit

24 tough to get open.

25 Q. A little bit of pressure on

45

01 them?

02 A. Uh-huh (yes).

03 Q. So there was just one door and

04 when you go through it, there'd be no

05 airlock to ---

06 A. No.

07 Q. --- open and close; is that

08 right?

09 A. Yeah.

10 Q. And that was --- do you

11 believe that that's probably the way

12 it was at the time of the fire, too?

13 A. Yeah.

14 Q. You said that was like four

15 days after the accident?

16 A. Yeah.

17 Q. How long are your rails?

18 A. About 30, 33 feet.

19 Q. Thirty (30), 33 feet, standard

20 length?

21 A. Yeah.

22 Q. They all fit on one trailer?

23 They fit on --- you put two trailers

24 and you strap them on both of them?

25 A. No. We drag them.

46

01 Q. You just drag the rails?

02 A. Yep.

03 Q. When you drag them, you come
04 down through --- you just go down the
05 hill, you don't ---?

06 A. Before we --- what they done,
07 when they went to pulling track, they
08 hide the track equipment there. They
09 just load the rail up on the rail car
10 and hauled them to Rum Creek. What
11 rail they didn't get, like maybe at
12 Threeway, ---

13 Q. Yes.

14 A. --- I hooked the tractor to
15 and dragged them like that.

16 Q. Okay. Drug them out through
17 the box cut?

18 A. Yeah.

19 Q. Okay. When you were dragging
20 them, could everything fit between
21 your airlock doors?

22 A. Yeah. If I'd have the box cut
23 airlock doors to go through ---

24 Q. Yes.

25 A. --- and that area's about ---

47

01 Q. That's a pretty big ---.

02 A. --- 200 feet, 100 feet.

03 Q. Yes. I didn't think the

04 Threeway was that long, though.

05 A. I didn't come through the

06 Threeway door.

07 Q. On those.

08 A. No, the stopping was built ---

09 I drug the rail after the fire.

10 Q. I see. And that was out of

11 the main north area?

12 A. The Threeway.

13 Q. Yeah. Do you know how they

14 brought the rail car out?

15 A. Rum Creek.

16 Q. Do you know what route they

17 took there?

18 A. They loaded them up, took them

19 out Rum Creek side, loaded the rail

20 up.

21 Q. They took them out through Rum

22 Creek?

23 A. Yeah. What I'm talking about,

24 what they left behind, they didn't

25 get, ---

48

01 Q. Is what you had to grab.

02 A. --- yeah, what I get.

03 Q. You just drug those?

04 A. Yeah.

05 Q. Has anybody ever called you
06 and told you to go check and see if
07 some doors were open?

08 A. No.

09 Q. Had you ever heard of the
10 longwall having trouble with air?

11 A. I can't remember nothing on
12 that.

13 Q. Have you ever heard of anybody
14 talking about somebody leaving a door
15 open that might have affected airflow
16 on the longwall?

17 A. No.

18 Q. Did you work on the 18th of
19 January, the day before the accident?

20 A. The day before, yeah.

21 Q. Did you know anything about
22 some of the air problems that they
23 had up on the longwall section, Nine
24 headgate, where the air in the belt
25 entry wasn't necessarily going in the

49

01 right direction and it didn't have
02 enough air on the longwall face and
03 it was --- a violation was issued by
04 a state inspector, and it took them
05 some time to correct the condition?

06 A. No.

07 Q. Have you ever heard any talk
08 about that?

09 A. No.

10 Q. How about on the --- that same
11 day, are you aware of any ventilation
12 change that might have been completed
13 on midnight shift, right before your
14 shift started, at the back of Four
15 Right?

16 A. I heard they were talking ---
17 I heard a boy talking about it, but
18 that's all I know about it.

19 Q. Who was that?

20 A. I can't remember what their
21 name was.

22 Q. Was it somebody that works
23 back there normally on Four Right?
24 You told me, I think, that Jerry
25 Workman and Billy ---?

50

01 A. And Billy took care of the
02 block deal.

03 Q. Billy Brown took care of the
04 blocks; right?

05 A. But I can't recall if Billy
06 Brown was there on that --- come out
07 on the hoot-owl that night or not.

08 Q. Yes.

09 A. It's been a while back.

10 Q. Yeah, it has. It's been a
11 while back. Do you recall what
12 discussions they had about that
13 ventilation change?

14 A. No.

15 Q. Do you know A.C.?

16 A. Who?

17 Q. A.C.

18 A. No. I don't believe I know
19 him.

20 Q. Okay. Did you deliver any
21 materials back there for that
22 ventilation change?

23 A. I delivered the block to the
24 door, but I don't know --- I mean, I
25 guess that was what the block was

51

01 there for. You know what I mean?

02 Q. The blocks that you delivered
03 that you were telling me about?

04 A. Yeah.

05 Q. You figured that that was
06 probably for this change here?

07 A. Yeah. That's the only thing I
08 know about that.

09 Q. Okay. And you delivered it to
10 that door. That's the single door

11 inby the double doors at the back end

12 of ---

13 A. Yeah.

14 Q. --- Four Right? So just right

15 past the power center?

16 A. Almost at the power center.

17 Q. Were almost right at the power

18 center. Do you know if they had a

19 scoop back there or something that

20 they were hauling ---?

21 A. They got --- they had a shield

22 hauler.

23 Q. Shield hauler?

24 A. Yep.

25 Q. And that's what they were

52

01 unloading the blocks off of your

02 trailer ---

03 A. Yep.

04 Q. --- onto the shield hauler?

05 A. Yep.

06 Q. And they were spotting them?

07 A. Yep.

08 Q. So that wasn't --- you don't

09 know where they took them; do you?

10 A. No.

11 Q. Did they go through that door?

12 A. Yeah.

13 Q. They did. When they were
14 going back and forth through that
15 door, did they leave the door open,
16 like took a load off your trailer and
17 then opened the door to take them
18 through it and close the door, and
19 then the door is closed until they
20 spot them, and then come back and
21 they'd open the door, is that what
22 they did?

23 A. They opened the door and went
24 through them.

25 Q. And did they just leave it

53

01 open until they ---?

02 A. No, they closed them back.

03 Q. Every time they ---?

04 A. Yeah.

05 Q. They have to go through them
06 more than once?

07 A. Yeah, but they closed them
08 back. Because if you left them open,
09 the air up on the longwall ---.

10 Q. Yes. That's what I was
11 getting at. Because it could affect
12 it, that's right. Do you know
13 anything about the longwall?

14 A. I know a little bit about it
15 here and there.

16 Q. Did you ever hear them talk
17 about the tailgate being pretty
18 ratty, the top part of the whole ---?

19 A. Here and there, I do.

20 Q. How about the tailgate being
21 blocked sometimes?

22 A. I can't recall that.

23 Q. Okay. How about people having
24 to work in there to set cribs and
25 timbers in there? Have you ever

54

01 heard of anybody working back in that
02 tailgate to --- outby the longwall
03 face?

04 A. I don't recall nothing about
05 that.

06 Q. No?

07 A. The job I got, most of the
08 time I would be doing what I needed
09 to get done, but ---.

10 Q. Yeah.

11 A. Most of the time, me and my
12 brother, we ain't around a whole lot
13 of people.

14 Q. Kind of work by yourself most
15 of the time; don't you?

16 A. Yeah.

17 Q. And there ain't a lot of

18 people standing along the roadways?

19 A. No.

20 Q. Have you ever had to haul any

21 material into Nine tailgate?

22 A. Nine tailgate?

23 Q. Yes.

24 A. You mean top end down?

25 Q. Yes.

55

01 A. No.

02 Q. Never had to come in from the

03 top end down?

04 A. No.

05 Q. Never have?

06 A. No. No need to. Because I

07 had to walk back, going back to pick

08 up all the longwall stuff, I didn't

09 have time to go do that.

10 Q. Who would be somebody that

11 would have --- I mean, there's wood

12 supports in there that are installed

13 to try to support that tailgate entry

14 so that when the longwall cuts out it

15 doesn't cave in.

16 A. Uh-huh (yes).

17 Q. Who would be the person who

18 would be assigned to deliver

19 materials for them?

20 A. I don't believe anybody would

21 at the time. I'm pretty sure --- I
22 may be wrong, but I'm pretty sure the
23 wood was hauled in before that fire
24 was.

25 Q. Right.

56

01 A. The wood was there before the
02 longwall went to run coal.

03 Q. All of it?

04 A. I don't know about all of it,
05 but there was some of that in there.

06 Q. Okay. Do you know --- you
07 said you work on day shift all the
08 time?

09 A. Yeah.

10 Q. Do you know if the people that
11 were assigned to work in Nine
12 tailgate, do you know what they
13 normally do in Nine tailgate?

14 A. The only one I know that works
15 up --- Bill and Jerry are the only
16 two I know that work ---.

17 Q. At the back end?

18 A. Yeah.

19 Q. Billy Brown and Jerry Workman?

20 A. Yeah.

21 Q. As you're going inby Nine
22 headgate, towards Two section on the

23 roadway, you go through those airlock
24 doors, both sets of them ---
25 A. Uh-huh (yes).

57

01 Q. --- on the mother drive, and
02 you're going on down that same entry,
03 towards Two section, and then you go
04 down there a pretty good ways and
05 several crosscuts and then hang a
06 left and you go up the hill a little
07 bit?

08 A. Uh-huh (yes).

09 Q. And you can go right between
10 where the belt structure is?

11 A. Uh-huh (yes).

12 Q. Do you ever go --- instead of
13 turning up the hill, do you ever go
14 straight ahead?

15 A. Yeah.

16 Q. And then hang a right and go
17 down through a door?

18 A. No. I went to a power box
19 that was there up in the left-hand
20 rib.

21 Q. What do you mean?

22 A. When you go --- like going up
23 the hill, if you go over maybe two
24 breaks, there was a power box to the
25 left there.

01 Q. Right across the hill --- or
02 the road, the intersection from that
03 hole that they drop cans down? Is
04 that what you're talking about?

05 A. I ain't never been to that. I
06 hauled that, but I ain't never been
07 to that.

08 Q. Okay. How do you know that
09 that door at the back end of Four
10 Right has an effect on the longwall?

11 A. Because I hauled C.W. and he
12 told me all the way, keep making sure
13 that door is always closed at any
14 time.

15 Q. Clarence Workman, ---

16 A. Yeah.

17 Q. --- telling you to make sure
18 that that door is always closed?

19 A. If I ever go up there, make
20 sure that door stays closed.

21 Q. And have you ever found it not
22 closed?

23 A. No.

24 Q. Do you know why there wasn't
25 two of them installed there if it's

01 such an important door?

02 A. I do not know why.

03 Q. Okay. I want to talk a little
04 bit about --- or ask you some
05 questions about January 19th, the day
06 of the accident. And you said you
07 worked day shift that day?

08 A. Uh-huh (yes).

09 Q. And who was your supervisor
10 that day?

11 A. That day --- it would be Pepe
12 that day.

13 Q. Pepe Lester?

14 A. Yeah.

15 Q. Did you talk to Pepe that day?

16 A. Yeah.

17 Q. What did he have you do?

18 A. Hauling gravel.

19 Q. Hauling gravel for the
20 roadway?

21 A. Yeah.

22 Q. Where at?

23 A. Number One Fourway.

24 Q. Beginning from Number One
25 Fourway up the hill?

60

01 A. You know where you go through
02 the Number One Fourway airlock door?

03 Q. Yes.

04 A. You know that big dip you go

05 through?
06 A. Uh-huh (yes).
07 Q. That mud hole right there.
08 A. It's in a lot better shape
09 today than it was then; isn't it?
10 A. Yeah.
11 Q. Did you ever have trouble
12 getting through that mud hole up
13 there at the longwall?
14 A. Longwall?
15 Q. Underneath the longwall belt,
16 between those airlock doors?
17 A. No.
18 Q. Never have?
19 A. No, never.
20 Q. Ever hear anybody complain
21 about it?
22 A. Nope.
23 Q. About the mantrips might get
24 stuck a little easier?
25 A. Nope.

61

01 Q. Do you work with the
02 waterlines at all?
03 A. No.
04 Q. No?
05 A. Maybe on a ditch waterline,
06 but that --- you know, tapping pump.

07 That's the only time. Or if I break
08 one.

09 Q. Yeah. By running over it, you
10 mean?

11 A. Yeah.

12 Q. Did you ever make it up to the
13 mother drive area on the 19th, ---

14 A. No.

15 Q. --- hauling rock, gravel?

16 Have you ever noticed any problems at
17 the storage area, storage unit for
18 the longwall?

19 A. No.

20 Q. Smelled anything funny when
21 you went through there at different
22 times?

23 A. No.

24 Q. Ever hear any talk on the 19th
25 about anything?

62

01 A. No.

02 Q. Do you know the escapeway out
03 of Two section?

04 A. Yeah. Come down the main
05 roadway we traveled, come down
06 through there. Then you --- you come
07 down the main roadway, then you ---
08 the only way I always did know on
09 Two, you come down the main ---

10 follow the green markers back there
11 to the end --- you know, it always
12 comes back through the intake. Past
13 that, I know the straight way is
14 mostly the main roadway out, down the
15 intake, all the way over, then over
16 to Two overcast, then out to Two
17 airlock door.

18 Q. As far as you understand, how
19 is the escapeway marked from Two
20 section back to north mains?

21 A. North mains back to the mother
22 drive you're talking about?

23 Q. Yeah, if you're coming down
24 Two section. From Two section going
25 outby, following those green

63

01 reflectors, do you have to follow the
02 roadway all the way to the airlock
03 doors?

04 A. I can't recall that. I never
05 did deal with that place that much.
06 I mean, in a blue moon I'd go up
07 there. I mean, I never did have to
08 worry about that.

09 Q. Have you ever been involved in
10 an escapeway drill?

11 A. No.

12 Q. Do you know where escapeway

13 maps are located at the mine?

14 A. No.

15 Q. How about on the surface? Do

16 you know where there's an escapeway

17 map on the surface?

18 A. No.

19 Q. Did anybody ever show you one?

20 A. No.

21 Q. How do you know what color

22 reflectors you need to follow?

23 A. Because they go over it in a

24 safety meeting.

25 Q. In a safety meeting?

64

01 A. Yeah.

02 Q. What all do they cover in a

03 safety meeting regarding escapeways?

04 A. Tell you how to get out of the

05 mine if anything ever happened, stuff

06 like that.

07 Q. Where do you hold those at, on

08 the surface or underground?

09 A. Underground. I mean, --- oh,

10 you mean the meeting?

11 Q. Yes.

12 A. Up in the main office.

13 Q. In the main office?

14 A. Yes.

15 Q. Do they use a map when they're
16 talking about that?

17 A. No.

18 Q. Who would have given you
19 those?

20 A. Everybody would give them.

21 Q. Do they give them very often?

22 A. Yeah, every Monday.

23 Q. Every Monday?

24 A. Yeah.

25 Q. Do you talk about escapeways

65

01 every Monday, ---

02 A. No.

03 Q. --- prior to the accident?

04 A. No, not every time.

05 Q. No? Did you ever have any
06 discussions in those, when you're
07 talking about escapeways, about
08 evacuation?

09 A. Mine fire, stuff like that?

10 Q. Yeah.

11 A. No. I can't recall.

12 Q. No?

13 A. I can't recall if we did.

14 Q. You can't recall if you did or
15 not?

16 A. Yeah.

17 Q. Okay. Did you ever walk the
18 escapeway out?
19 A. Yeah.
20 Q. Who would walk that with you?
21 A. By myself.
22 Q. By yourself?
23 A. Yeah.
24 Q. Do you know if it was --- what
25 color reflectors were you traveling?

66

01 A. Green.
02 Q. Where did you walk from?
03 A. From the --- behind the ---
04 where I be working at.
05 Q. Where at? Four Right?
06 A. Yeah, on Four Right out.
07 Q. On Four Right out?
08 A. Yeah.
09 Q. All the way down to Threeway?
10 A. Yeah.
11 Q. Where did you go from there?
12 A. I went --- I went always
13 through the airlock door and went on
14 down.
15 Q. Yes.
16 A. And then went over the
17 overcast and right through the door.
18 Q. Took the intake all the way
19 out?

20 A. Yeah.

21 Q. Okay. Do you know what the
22 secondary escapeway is out of the
23 mine, the alternate?

24 A. Yeah, the main roadway we
25 travel.

67

01 Q. What about once your main
02 roadway goes into the intakes,
03 where's it ---?

04 A. The main roadway going to the
05 intake?

06 Q. Well, it does; right?

07 A. Yeah. And comes and then goes
08 back over someplace.

09 Q. Someplace it goes back over
10 into the neutrals?

11 A. Yeah. The primary escapeway
12 is --- Eight headgate, you go over in
13 Number Two entry, I believe. And you
14 come down to a main break and then
15 you go back over in the intake and
16 come around the fall you do, and then
17 back over in Number One Fourway, back
18 over into Number Two, and then you
19 come on down.

20 Q. All the common neutral belt
21 entries? It's all common entries

22 with that belt up through there?

23 A. Yeah.

24 Q. So you're following what color

25 reflectors?

68

01 A. Yeah. I mean, orange.

02 Q. Orange?

03 A. Or yellow.

04 Q. Yellow, amber?

05 A. Yeah.

06 Q. Did you ever haul anything up

07 there on the longwall section?

08 A. Yeah, oil.

09 Q. Oil?

10 A. Yeah. And sometimes crib

11 block, if they need them. Most of

12 the time the hoot-owl crew will take

13 care of that, if they need crib

14 block.

15 Q. How about water pipe? Do you

16 have water pipe up there, two-inch

17 water pipe?

18 A. We have four-inch or six-inch.

19 For that mud hole we have, we have to

20 pump ---.

21 Q. Where's that at?

22 A. On the longwall.

23 Q. On the longwall?

24 A. Yeah. There was a dip right

25 there. There's a big water hole

69

01 there. We have to pump from there

02 all the way over to Number Four

03 entry.

04 Q. Are you familiar with the CO

05 system?

06 A. No.

07 Q. Do you know that there is one

08 there?

09 A. Yeah.

10 Q. Has anybody ever talked to you

11 about it?

12 A. No.

13 Q. Has anybody ever explained to

14 you or informed you as to what alarms

15 and alerts and what the levels are?

16 A. No.

17 Q. No. Has anybody ever

18 explained to you what's supposed to

19 happen if there's an alarm activated

20 by the CO system?

21 A. No.

22 Q. Has anybody ever called you as

23 you traveled there or maybe as you

24 passed by phones as you traveled,

25 have you ever heard anybody calling

70

01 for somebody to check out a CO
02 sensor?
03 A. No.
04 Q. Have you ever had to?
05 A. No.
06 Q. Has anybody ever directed you
07 to?
08 A. No.
09 Q. Are you familiar with
10 something that's called the mine
11 emergency evacuation and firefighting
12 plan?
13 A. I've heard about that.
14 Q. Have you heard about it?
15 A. Yeah.
16 Q. After the fire or ---?
17 A. No, before the fire.
18 Q. Before the fire?
19 A. Yeah.
20 Q. How did you hear about it?
21 A. Sometimes in safety meetings
22 they go over them.
23 Q. They did?
24 A. Yeah.
25 Q. Do you recall anything about

71

01 what was talked about in the safety
02 meeting?
03 A. No, I never did pay no

04 attention.

05 Q. It's something that might not
06 have been that significant back then.

07 Have you ever seen that posted
08 anywhere at the bottom?

09 A. No.

10 Q. Do you know what your duties
11 are as a --- I forgot what title you
12 have.

13 A. No, I don't know.

14 Q. Do you know what specific
15 responsibilities you would have in
16 the event of a fire ---

17 A. No.

18 Q. --- or an emergency? Who
19 would you report to?

20 A. I guess it would be Pepe or
21 Dusty.

22 Q. Dusty Dotson?

23 A. Yeah, see what they want me to
24 do, you know, if it did happen.

25 Q. Have you ever heard of a CO

72

01 system alarming?

02 A. I'm pretty sure I have, but I
03 believe they were doing, you know,
04 testing.

05 Q. Testing on it?

06 A. Yeah. See if everything is
07 working right.

08 Q. Did you work on December 29th,
09 last year?

10 A. I can't recall that day.

11 Q. Between Christmas and New
12 Year's.

13 A. I can't recall that far back.

14 Q. Do you know Carl White?

15 A. Yeah.

16 Q. And Junior Robinson?

17 A. Junior Robinson? I ain't real
18 good on names.

19 Q. I think they're both beltmen.

20 A. I know Carl.

21 Q. You know Carl?

22 A. I don't know about Junior.

23 Q. Do you ever talk to Carl much?

24 A. Very little.

25 Q. Did you ever hear him talk

73

01 about --- or anybody else talk about
02 a fire that occurred on the 29th of
03 December?

04 A. No.

05 Q. No. Did you ever hear of any
06 time where --- maybe it wasn't a fire
07 or wasn't considered a fire, but
08 smoke had occurred from something and

09 traveled inby in the mine? Have you
10 ever heard about any smoke in the
11 mine?

12 A. Uh-uh (no).

13 Q. Do you know where the stop
14 switch is located for the longwall
15 belt ---

16 A. No.

17 Q. --- in the storage unit?

18 A. No.

19 Q. Do you know Brandon Conley?

20 A. Brandon Conley? Yeah.

21 Q. Are you aware of a radio
22 interview that was conducted with Mr.
23 Conley by West Virginia Public Radio?

24 A. No.

25 Q. Did you know anything about an

74

01 event that was perhaps similar to the
02 event that occurred that resulted in
03 the accident in January, that
04 occurred in December, on the 23rd of
05 December, at the mother belt storage
06 unit area?

07 A. What do you mean?

08 Q. A similar type of an incident.

09 A. No.

10 Q. No?

11 A. Uh-uh (no).

12 Q. Do you haul belt out of the
13 mine to the storage unit?

14 A. No.

15 Q. You're collecting belt and
16 every so often you got to pull belt
17 off of it and ---?

18 A. No. I didn't haul that belt.

19 But I hauled belt about two weeks
20 ago. They take Number Four belt out
21 ---.

22 Q. This is after the fire?

23 A. Yeah.

24 Q. So they started recovering
25 four-foot belt off of northeast

75

01 mains?

02 A. Yeah.

03 Q. Prior to the accident, did you
04 ever haul any longwall belt out of
05 there?

06 A. No.

07 Q. Have you ever talked to
08 anybody that installs fire
09 suppression lines?

10 A. No.

11 Q. Did you ever hear any
12 problems, people discussing the
13 troubles --- problems may not be the

14 right word, any conditions at the
15 longwall storage unit where rollers
16 were getting cocked or having trouble
17 with the take-up unit?

18 A. No.

19 Q. No. Have you ever heard ---
20 outside of the fire that occurred on
21 January 19th this year, have you ever
22 heard of any other fires that have
23 occurred at this mine?

24 A. No.

25 BY MR. TUCKER:

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01 Q. I just got a couple questions,
02 Kevin.

03 A. Okay.

04 Q. How did you hear about the
05 fire on the 19th?

06 A. At the day of the fire you're
07 talking about?

08 Q. Yes.

09 A. I was home and one of my
10 buddies called me and told me about
11 it.

12 Q. Did you work the following
13 day?

14 A. Yeah.

15 Q. Did you happen to go back that

16 day, on the 19th?

17 A. No.

18 Q. No. What have you heard about
19 the fire on the 19th as far as
20 possibilities of how it started or
21 anything like that?

22 A. No.

23 Q. You haven't talked to anybody?

24 A. No.

25 Q. And I know you had mentioned

77

01 that you was working on the roadway.

02 So on the day of the fire, on the
03 19th, you never did --- did you ever
04 make it down to the mother drive?

05 A. All I ever made was that dip
06 inby Number One Fourway.

07 Q. Okay.

08 MR. TUCKER:

09 That's all I have.

10 BY MR. BEITER:

11 Q. Kevin, I asked you about that
12 tailgate, Nine tailgate, the front
13 end, and you said you didn't haul any
14 materials down in there or anything.

15 A. No.

16 Q. Do you know who might have or
17 what roadway there would be to take
18 to get down in there?

19 A. The only one I would think
20 would be doing that would be the
21 hoot-owl crew.

22 Q. The night shift?

23 A. Yes. Because I --- not me.

24 Q. Nobody else on day shift?

25 A. As far as I know, they

78

01 wouldn't.

02 Q. Okay. You'd probably pass a
03 lot of people that were hauling stuff
04 in and out, probably would be ---?

05 A. Sometimes, not all the time.

06 Q. Not always; right?

07 A. Because I might be doing
08 something different ---

09 Q. Yes

10 A. --- than they was doing.

11 Q. Do you load your own trailers
12 on the surface?

13 A. No, end-loader man.

14 Q. The end-loader?

15 A. Yep.

16 Q. You worked the day after the
17 accident?

18 A. Yes.

19 Q. What type of work did you do
20 then?

21 A. Took foam up to the
22 firefighting people.
23 Q. Did you have any opportunities
24 to have any discussions with any of
25 the mine rescue teams or ---

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01 A. No.

02 Q. --- anybody ---? No?

03 A. No, but told me how long it
04 would be before the fire would go out
05 and stuff like that.

06 Q. No discussions with --- have
07 you had any discussions with anybody
08 about how the fire started?

09 A. Not with the mine rescue team,
10 I didn't.

11 Q. From what you know about the
12 accident, do you know of anything
13 that could have been done to prevent
14 the accident?

15 A. No.

16 Q. Is there anything else that
17 you'd like to add or tell us
18 regarding what happened on the day of
19 the accident?

20 A. No. Don't got nothing, I
21 mean. All I know --- I told you
22 everything I know on that deal.

23 BY MR. TUCKER:

24 Q. I just have one other
25 question. You had mentioned that you

80

01 had walked your escapeway out one day
02 and you told us how you came out.

03 A. Uh-huh (yes).

04 Q. Was there any particular
05 reason why you did that?

06 A. Because I ain't never went
07 that way. I wanted to go that way
08 and see what --- if I did have to go
09 that way, I wanted to know what ---.

10 Q. Right. That's a good idea.

11 Did somebody tell you to do that or
12 you just had to walk out and decided
13 to go out that way?

14 A. I mean, we supposed to done
15 that one time. I didn't get around
16 to it. I got --- you know, oil
17 trucks pop up, I didn't get to do it
18 that day. When I did, I went ---
19 that time, I got the chance to did
20 go. I did --- went by myself.

21 Q. So on that particular day,
22 since you didn't go before, you just
23 decided on your own to go out that
24 way?

25 A. Yes.

01 Q. That was a good thing to do.

02 MR. TUCKER:

03 That's all.

04 MR. BEITER:

05 Mark, do you have any

06 clarifying questions?

07 ATTORNEY HEATH:

08 No.

09 MR. BEITER:

10 Kevin, on behalf of

11 MSHA, I thank you for

12 appearing here today and

13 answering my questions and

14 sharing information about the

15 mine. Your cooperation is

16 very important to us as we

17 work to determine the cause of

18 the accident.

19 If you wish, you may go

20 back now over any answer that

21 you've given during this

22 interview, and you may also

23 make a closing statement,

24 covering any additional points

25 that you wish to raise. Do

01 you have anything to add?

02 A. No, I got nothing.

03 MR. BEITER:
04 Kevin, we ask you not
05 to discuss your interview
06 today with any person who may
07 have already been interviewed
08 or may be asked to give a
09 statement in the future. And
10 we ask this to ensure that we
11 obtain each individual's
12 independent memory of the
13 events surrounding the
14 accident.

15 After questioning other
16 witnesses and obtaining
17 additional information, we may
18 ask you to come back for
19 further questions.

20 A. Okay.

21 MR. BEITER:
22 If, at some later
23 point, you have additional
24 information regarding the
25 accident that --- maybe your

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01 memory is jogged or somebody
02 tells you something that they
03 hadn't up until now, that
04 you'd like to provide to us,

05 please contact Mr. Kenny
06 Murray or his staff assistant,
07 Anthony Webb. Kenny Murray
08 and Anthony Webb both work out
09 of the Pikeville, Kentucky
10 MSHA office. And here's a
11 couple of contact cards that
12 have their telephone numbers
13 on it with their names.

14 The Mine Act provides
15 certain protection for
16 individuals who participate in
17 accident investigations. If
18 at any time you believe that
19 you have been treated unfairly
20 because of your cooperation in
21 this investigation, please
22 immediately notify Mr. Murray
23 or Mr. Webb. And again,
24 Kevin, thank you for coming in
25 today.

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01 MR. TUCKER:

02 Also on behalf of
03 Miners' Health, Safety &
04 Training, Kevin, I'd like to
05 thank you for coming in today.
06 And the State also offers
07 similar protection against

08 discrimination against miners.

09 If you have any reason to

10 contact us, there's my card.

11 You can give me a call. This

12 is C.A. Phillips' card. He's

13 our Deputy Director that works

14 out of our Charleston office.

15 A. Okay.

16 * * * * *

17 EXAMINATION CONCLUDED AT 11:12 A.M.

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