

01 EXAMINATION UNDER OATH
02 OF
03 BRAD ALAN MAYNARD
04
05
06 Taken pursuant to Notice by Autumn D.
07 Furby-Pritt, a Court Reporter and
08 Notary Public in and for the State of
09 West Virginia, at Department of
10 Environmental Protection, 1101 George
11 Kostas Drive, Logan, West Virginia,
12 on Thursday, March 30, 2006, at
13 8:13 a.m.

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

02

03 WILLIAM TUCKER

04 Assistant Inspector at Large

05 West Virginia Office of Miners'

06 Health, Safety & Training

07 142 Industrial Drive

08 Oak Hill, WV 25901

09

10 ARLIE A. WEBB

11 Special Investigations/Staff

12 Assistant

13 Mine Safety and Health Administration

14 Coal Mine Safety and Health

15 District 6

16 100 Fae Ramsey Lane

17 Pikeville, KY 41501

18

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

02

03 KENNETH A. MURRAY

04 District Manager

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

11

12 ALSO PRESENT:

13 DENNIS BEITER

14 RONALD W. STAHLHUT

15 CHARLIE POGUE

16 DERRICK TJERNLUND

17 EUGENE WHITE

18 C. A. PHILLIPS

19 BETH SPENCE

20

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23

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01 I N D E X

02

03 INTRODUCTION 6 - 16

04 WITNESS: BRAD ALAN MAYNARD

05 QUESTIONS

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

02 -----

03 MR. BEITER:

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

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

18 This is a joint
19 investigation that MSHA is
20 conducting with the State of
21 West Virginia. I will be
22 asking the questions for MSHA
23 in today's interview.

24 MSHA's team includes
25 various specialists and

7

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

06 MR. WEBB:

07 I'm Anthony Webb, from
08 District Six in Pikeville,
09 Kentucky.

10 MR. STAHLHUT:

11 Ron Stahlhut, MSHA of
12 Vincennes, Indiana.

13 MR. POGUE:

14 Charlie Pogue, MSHA,

15 from Hunker, Pennsylvania.

16 MR. MURRAY:

17 Kenny Murray, MSHA,
18 from Pikeville, Kentucky.

19 MR. TJERNLUND:

20 Derrick Tjernlund, in
21 Tech Support, Tridelphia.

22 MR. BEITER:

23 Mr. Maynard, I work out
24 of Tech Support group,
25 Ventilation Division in

8

01 Tridelphia, West Virginia.

02 And Mr. Murray back there is
03 the lead accident investigator
04 for this accident
05 investigation for MSHA.

06 Here with us also today
07 representing the State of West
08 Virginia is Mr. Bill Tucker.
09 Mr. Tucker will be asking the
10 questions for the State. And
11 at this time, Mr. Tucker has a
12 statement and will introduce
13 the members of the State's
14 team.

15 MR. TUCKER:

16 I appreciate you coming

17 in this morning, Mr. Maynard.
18 The West Virginia Office of
19 Miners' Health, Safety &
20 Training is conducting this
21 interview session jointly with
22 MSHA. And we're in agreement
23 with the procedures outlined
24 by Mr. Beiter.

25 However, let me make it

9

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

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

13 MR. WHITE:

14 Eugene White, district
15 inspector, Region Three,
16 Danville.

17 MR. PHILLIPS:

18 Good morning, Brad. My
19 name is C.A. Phillips. I'm

20 the Deputy Director with the
21 Office of Miners' Health,
22 Safety & Training in
23 Charleston, West Virginia.

24 MS. SPENCE:

25 Beth Spence, with the

10

01 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 our
12 investigation.

13 After the investigation
14 is completed, MSHA will issue
15 a written report, detailing
16 the nature and cause 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 can reduce their

22 occurrence in the future.

23 Information obtained
24 through witness interviews is
25 frequently included in these

11

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

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

13 This interview with Mr.
14 Brad Maynard is being
15 conducted under Section 103(a)
16 of the Federal Mine Safety &
17 Health Act of 1977, as part of
18 an 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 on Route 17 North,

12

01 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 March
12 30th, 2006.

13 Mr. Maynard, the
14 interview will begin by my
15 asking you a series of
16 questions. Please feel free
17 at any time to clarify any
18 statements that you make in
19 response to those questions.
20 After we have finished asking
21 questions, you will have an
22 opportunity to make a
23 statement of your own and
24 provide us with any other
25 information that you believe

13

01 may be important. You are
02 permitted to have a
03 representative with you during
04 the interview and you may
05 consult your representative at
06 any time. You may designate
07 any person to be your
08 representative.

09 Following the questions
10 by MSHA, and the State, this
11 representative will be given
12 the opportunity to ask
13 questions for the purposes of
14 clarification on any areas
15 already discussed. Your
16 statement is completely
17 voluntary. You may refuse to
18 answer any question and you
19 may end your interview at any
20 time.

21 If you do not
22 understand a question, please
23 let us know and we'll rephrase
24 the question. If you need a
25 break for any reason, just ask

14

01 and we'll take a break. You
02 may request the opportunity to
03 make a confidential statement

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

15 MR. MAYNARD:

16 No.

17 MR. BEITER:

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

01 your head.

02 Neither the transcript
03 of this interview nor the
04 content of this interview will
05 be released to the public or

06 the media until MSHA's final
07 accident investigation report
08 is issued, or until required
09 by court order or until a
10 public hearing takes place.

11 If any part of your
12 statement is based not on your
13 own firsthand knowledge but on
14 information that you learned
15 from someone else, please just
16 let us know that. Please
17 answer each question as fully
18 as you can, including any
19 information that you learned
20 from someone else.

21 We may not ask the
22 right questions to learn the
23 information that you have, so
24 please don't feel limited by
25 the precise wording of the

16

01 questions asked. If you have
02 information about the subject
03 area of a question, please
04 provide us with that
05 information.

06 Do you have any
07 questions about the manner in
08 which this interview will be

09 conducted?

10 MR. MAYNARD:

11 No.

12 MR. BEITER:

13 Will you please swear

14 or affirm the witness?

15 -----

16 BRAD ALAN MAYNARD, HAVING FIRST BEEN

17 DULY SWORN, TESTIFIED AS FOLLOWS:

18 -----

19 BY MR. BEITER:

20 Q. Would you please state your

21 full name, address, telephone number,

22 including area code. And please

23 spell your last name for the record.

24 A. [REDACTED]

[REDACTED]

05 Q. Thank you. Mr. Maynard, may I

06 call you Brad?

07 A. Yes, sir.

08 MR. BEITER:

09 Call me Denny. I'm

10 sure Bill is fine with Bill.

11 MR. TUCKER:

12 Sure.

13 BY MR. BEITER:

14 Q. Brad, are you appearing
15 voluntarily here today at this
16 interview?

17 A. Yeah.

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

20 A. No.

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

24 A. No, sir.

25 Q. Has anyone threatened you or

18

01 warned you not to provide this
02 statement?

03 A. No.

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

06 A. Yes, sir.

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

10 A. Yes.

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

13 A. No, sir.

14 Q. Do you want to proceed without
15 a representative?

16 A. Yeah.

17 Q. Brad, were you interviewed by
18 the company before today?

19 A. No, sir.

20 Q. Did you attend a meeting at a
21 local grade school?

22 A. No.

23 Q. How long have you worked at
24 Aracoma Alma Mine Number One?

25 A. Almost three years.

19

01 Q. What is your current job
02 title?

03 A. Loader man.

04 Q. I'm sorry?

05 A. Loader man.

06 Q. Loader man?

07 A. Yes, sir.

08 Q. And how long have you held
09 that position?

10 A. Two years now.

11 Q. Do you rotate shifts?

12 A. No.

13 Q. Which shift do you work?

14 A. Third.

15 Q. And third shift is midnight

16 shift?

17 A. Yeah.

18 Q. What time does that shift

19 start?

20 A. 11:00 to 7:00.

21 Q. 11:00 at night until 7:00 the

22 next morning?

23 A. Yes. Yes, sir.

24 Q. Was that your job on the 18th

25 and into the morning of the 19th ---

20

01 A. Yes.

02 Q. --- of January 2006?

03 A. Yes, sir.

04 Q. And then did you work that

05 evening on January 19th as well?

06 A. Yes, sir.

07 Q. After the accident?

08 A. Yes.

09 Q. Are you considered a member of

10 management?

11 A. Yes, sir.

12 Q. Do you supervise anyone?

13 A. No.

14 Q. When I say a member of

15 management, are you a mine official?

16 A. No.

17 Q. Do you conduct examinations?

18 A. No, sir.

19 Q. Do you hold any State or
20 federal mine examination
21 certifications or electrical
22 qualifications?

23 A. No, sir. I got an outside
24 card, certification.

25 Q. Miner?

21

01 A. Yeah. Strip card is what I
02 meant.

03 Q. Okay. Thank you. What other
04 jobs have you held at the mine?

05 A. Well, when I started out, I
06 was dispatching up to --- I was at
07 Aracoma, I mean Hernshaw. I started
08 out up there and worked my way down
09 into the loader job.

10 Q. When you first started with
11 Aracoma, were you a contractor?

12 A. Yes, sir.

13 Q. And how long were you a
14 contractor?

15 A. One year.

16 Q. Did you work at any other
17 mines besides Aracoma?

18 A. No, sir. I worked at Hernshaw
19 and then I'm trying to think. It's
20 the same mines, just two different

21 names.

22 Q. Okay. So your total mining
23 experience would be how many years,
24 approximately?

25 A. Well, about four years. But

22

01 my job --- my first job when I got
02 out of school, I done power-line
03 work. I worked at every Massey Mines
04 around there. I worked 19 years
05 doing power-line work. We put in
06 lines from here to Pike County and
07 back. And that's all I ever done
08 until I got this job here.

09 Q. So your job title is loader?

10 A. Yes, sir.

11 Q. Could you describe for me what
12 your duties are as loader? What do
13 you do?

14 A. Well, we haul supplies down,
15 load the cars up, you know, if it's
16 block, you know, wood, or whatever,
17 you'd get everything sent inby. And
18 then there's stuff up in the yard.
19 You got to take care of the yard and
20 unload the trucks when they come in.

21 Q. So a supply man, ---

22 A. A supply man.

23 Q. --- as well as unloading and

24 loading trucks in the surface ---

25 A. Yes.

23

01 Q. --- in the yard?

02 A. Yes, sir.

03 Q. Okay. So you worked both
04 underground and on the surface?

05 A. No, I don't go underground. I
06 load the cars and send ---. The guys
07 come out and tell me --- they call
08 and tell me what they want, and I
09 bring stuff down and load it on their
10 car and send them back in.

11 Q. Okay.

12 A. No, I don't go underground.

13 Q. Have you ever worked
14 underground?

15 A. No. And I ain't going to
16 either.

17 Q. All right. Have you ever gone
18 underground at Alma?

19 A. No.

20 Q. No? Who's your immediate
21 supervisor?

22 A. Pepè Lester.

23 Q. Does he work on your shift?

24 A. No, he's on dayshift.

25 Q. How does he provide you with

01 work orders?

02 A. Well, he just --- Tom's the

03 boss on nightshift, Tom Adkins.

04 Q. Is he the mine foreman on

05 midnight shift?

06 A. Yeah, he's the boss on

07 nightshift.

08 Q. Is there anyone above him on

09 midnight?

10 A. No.

11 Q. Do you know any of the

12 management structure at the mine,

13 like who's responsible for what

14 areas?

15 A. No.

16 Q. No?

17 A. No. I'm not familiar.

18 Q. On January 18th and 19th, the

19 night of the 18th into the morning of

20 the 19th, ---

21 A. Uh-huh (yes).

22 Q. --- of January 2006, was there

23 --- did you hear any discussions

24 about warnings or alarms being

25 activated by the CO system?

01 A. No, sir.

02 Q. Are you aware that there's a

03 CO system?

04 A. Yeah.

05 Q. And are you aware that it

06 monitors CO concentrations

07 underground, ---

08 A. Uh-huh (yes).

09 Q. --- in the event of a fire?

10 A. Yes.

11 Q. Okay. Have you ever seen the

12 alarm system up near the dispatcher's

13 office or in the dispatcher's office?

14 A. I've seen stuff on the screen,

15 but I'm not familiar with it.

16 Q. Can you hear alarms or alerts

17 from where you work?

18 A. No, normally I'm up on the

19 hill in the loader. I got a radio.

20 Q. Okay.

21 A. If something --- you know,

22 they need something, they'll holler

23 or something like that.

24 Q. How did you first find out

25 about the accident?

26

01 A. When I first found out, I

02 stopped at the store, at the

03 7-Eleven, to get my lunch. And the

04 girl down there said there was

05 something going on at the mines. And
06 so I grabbed my stuff and went on up,
07 you know, and everything was going
08 on.

09 Q. Do you know about what time
10 that was?

11 A. 10:30.

12 Q. 10:30 on the evening of the
13 19th of January?

14 A. Yes, sir.

15 Q. And did you report to the
16 mine?

17 A. Yes.

18 Q. Do you know what time you got
19 there?

20 A. Right at 10:30.

21 Q. Right at 10:30?

22 A. Yeah.

23 Q. Who did you report to?

24 A. I just went to the bathhouse
25 and everybody was there, you know.

27

01 Everybody was there, had already got
02 there. Then later on, nobody
03 wouldn't --- they didn't let nobody
04 else come up, the cops and the State
05 Police and all that, you know. Kind
06 of held everybody off.

07 Q. What involvement did you have

08 at the mine that evening into the
09 morning of the 20th?
10 A. Well, when I got there, the
11 loader man on the second shift, he
12 said, don't leave because whatever
13 takes place, if we got to go get
14 stuff. You know, there are going to
15 be people coming, we're going to have
16 to run --- we're going to do the
17 running, you know. If we got to go
18 get food or whatever for people to
19 eat or tables, chairs. So, you
20 know ---. So that was our job of
21 running, doing their errands up and
22 down the road and running and getting
23 food and ---.
24 Q. Was your entire time spent on
25 the surface?

28

01 A. Yeah.
02 Q. While you were there, did you
03 hear any discussions about what had
04 happened?
05 A. No, sir.
06 Q. How long were you there?
07 A. Let's see. It was all night,
08 all day 'til five o'clock the next
09 evening. I went home, took a shower,

10 closed my eyes, got back up. About
11 12 o'clock come right back and went
12 right at it until the next evening,
13 'til six o'clock the next evening.

14 Q. Until Saturday afternoon?

15 A. Yeah.

16 Q. Are you aware of a recent
17 notice that's been posted that no
18 one's allowed in the dispatcher's
19 office except for ---?

20 A. Yes, sir.

21 Q. Do you know why that was so?
22 Do you know why that was posted?

23 A. Well, it's always been like
24 that. They're not supposed to let
25 nobody in there, because over at the

29

01 warehouse people come in there and
02 they'll go in the warehouse and do
03 their thing. And you know, if they
04 see something they want, if there
05 ain't nobody in there, they'll get
06 this or that. And everything's got
07 to be wrote down if it comes out of
08 the warehouse, you know, so ---.

09 Q. It sounds to you like it's ---
10 it sounds to me that you think it's
11 just for control of warehouse
12 materials' purposes?

13 A. Yes, sir.

14 Q. Okay. Do you haul supplies
15 down the access road into the box
16 cut?

17 A. Yes, sir.

18 Q. Were you asked to bring
19 supplies into the box cut during the
20 19th and 20th, during the initial
21 evening?

22 A. Yes, sir. We brought jacks
23 and, you know, just whatever they'd
24 need, wood, jacks. Then one time
25 they had us --- we had to bring a

30

01 bunch of tables and chairs down for
02 people to sit outside, for those
03 people sitting there worrying
04 people ---.

05 Q. In the box cut?

06 A. Yes, sir.

07 Q. The staging area for the mine
08 rescue team, ---

09 A. Yes.

10 Q. --- before they went
11 underground?

12 A. Uh-huh (yes). Then we run
13 back and forth hauling their stuff
14 down, you know. And they'd say,

15 right there. And they said we got to
16 take our stuff because there was only
17 certain people who could go in there,
18 so, you know, we had people at the
19 gate. We'd haul their stuff in and
20 out, helped them out, trying to do
21 what all we could.

22 Q. Did you hear any discussions
23 or did you have any discussions with
24 the mine rescue team members while
25 they were down there?

31

01 A. No, sir.

02 Q. Some mine officials entered
03 the mine after many of the people
04 exited, the evening of the 19th, ---

05 A. Uh-huh (yes).

06 Q. --- and then came back out,
07 many of them did at least. At least
08 many of them did come back out prior
09 to the mine rescue teams going
10 underground. Did you have any
11 discussions with any of those mine
12 officials?

13 A. No, sir.

14 Q. Do you know who Chris Adkins
15 is?

16 A. Yes, sir.

17 Q. Did you have any discussions

18 with him?

19 A. No. Everything --- there
20 wasn't nobody saying nothing. I
21 mean, everything was quiet, hush
22 hush, until they announced on the
23 radio that they had found them. They
24 didn't tell nobody nothing.

25 Q. Did you ever haul any

32

01 equipment doors, down into the box
02 cut on the 19th, 20th or 21st of
03 January? Do you recall if you did or
04 not?

05 A. No, sir.

06 Q. No?

07 A. I'm not ---.

08 Q. You don't recall or don't ---?

09 A. Don't recall.

10 Q. Okay. You said you worked on
11 a lot of power lines and power
12 systems coming into the mine?

13 A. Uh-huh (yes).

14 Q. Did you also work on them
15 there at Aracoma?

16 A. Not there. That's one that
17 --- most of them I worked was back
18 over in Blackberry, and I've
19 been ---. I've worked in Blackberry,

20 I've worked over Matewan, Martin
21 County. I've worked all the mines
22 that was over in that area.
23 Sharples, I've worked over there.
24 Other than that, I ain't worked in
25 none of these over here.

33

01 Q. Are you familiar with the
02 electrical power system feeding this
03 mine?

04 A. I know where it come from,
05 where it feeds from, this and that.
06 I've never fooled none with it,
07 though.

08 Q. Any of the intricacies about
09 distribution of it on the surface to
10 the underground?

11 A. Uh-huh (yes).

12 Q. Are you familiar with any of
13 those?

14 A. Yeah.

15 Q. Are you? Do you know where
16 they have to kill the power to the
17 underground from the surface?

18 A. Yeah, down in the power
19 station.

20 Q. In the parking lot?

21 A. Uh-huh (yes).

22 Q. Beside the washhouse?

23 A. Yeah.

24 MR. BEITER:

25 Bill?

34

01 MR. TUCKER:

02 I just have a couple

03 questions for you.

04 A. Okay.

05 BY MR. TUCKER:

06 Q. Have you ever heard talk of

07 any fire at the mine, other than on

08 the 19th?

09 A. No, sir.

10 Q. Okay. When you got to the

11 mine on the 19th, did you hear any

12 comments about the fire or what had

13 happened or what was going on?

14 A. Well, it was on the radio and

15 everything, that the mine was on fire

16 and there was men trapped in it, you

17 know.

18 Q. As far as any details of

19 what ---

20 A. No ---

21 --- had happened underground?

22 A. --- details at all.

23 Q. Okay. You mentioned you

24 dispatched a little bit at Hernshaw.

25 A. Hernshaw.

35

01 Q. Have you ever dispatched at
02 Aracoma?

03 A. No, sir.

04 Q. Okay. I just wondered, I know
05 you say you've done a lot of high
06 line work. Are you a certified fire
07 marshal on electrical or anything
08 like that?

09 A. No. The only thing I done, I
10 set the poles, Fred poured the wire,
11 the other guys done the hookups. I
12 didn't hook them. I was the truck
13 driver, I hauled the poles, set them,
14 you know.

15 Q. Right.

16 A. I cut the right-of-way. I had
17 all the dirty jobs.

18 Q. Okay.

19 A. I poured the wire down the
20 mountain, cut it, junk like that.

21 MR. TUCKER:

22 Right. Okay. That's
23 all I have. I appreciate it.

24 A. Thank you, sir.

25 BY MR. BEITER:

36

01 Q. Do you know a lot of the

02 people who work at Aracoma by name?

03 A. Yeah. Yeah, I do.

04 Q. Do you know a B. Brown, B.

05 being his first initial for first or

06 middle name?

07 A. Bill Brown.

08 Q. Do you know any other Browns

09 besides --- does he go by Billy

10 Brown?

11 A. Billy Brown.

12 Q. Is there another Brown that

13 begins with a first name of B.?

14 A. Not that I know of.

15 Q. Okay. Have you ever knocked

16 power at Aracoma Mine?

17 A. No, sir.

18 Q. Have you ever seen or heard

19 the people talk about rock material

20 falling from the high wall onto the

21 tram road in the box cut?

22 A. No.

23 Q. No?

24 A. The only thing that falls off

25 of that wall is ice. Are you talking

37

01 about the road coming down?

02 Q. Yes.

03 A. Ice is about the only thing

04 that comes off there, because it's
05 fenced off.

06 Q. How about in the pit itself?

07 A. Sometimes there will be a rock
08 come off and hit the tin, but it
09 can't come in on nobody.

10 Q. Do you know if anybody's ever
11 been injured by any falling material?

12 A. No, sir.

13 Q. No? How about damaged
14 equipment? Have you ever heard of
15 any equipment that's been damaged?

16 A. No, not down in the box ---
17 just the guy that got stuck on the
18 hill when the lights fell in the
19 truck, that's the only one.

20 Q. I heard about that.

21 A. Other than that, no.

22 Q. Do you know if the phone was
23 de-energized from the underground
24 areas of the mine on the --- I guess
25 de-energized, disconnected or

38

01 severed, so that you didn't have
02 power in mine when they killed the
03 power underground?

04 A. I'm not sure.

05 Q. Do you know who de-energized
06 the power into the mine that evening?

07 A. No, sir.

08 Q. Bill asked you about if you
09 knew about any fires at Aracoma
10 besides this one and I thought you
11 said no, that you hadn't. Had you
12 heard of any time where hot bearings
13 and that had created smoke or rubbing
14 action?

15 A. No.

16 Q. No?

17 A. No, sir.

18 BY MR. TUCKER:

19 Q. Since the fires occurred after
20 the accident, have you heard any
21 discussion about previous fires that
22 had occurred at the mine?

23 A. No.

24 MR. TUCKER:

25 Okay.

39

01 BY MR. BEITER:

02 Q. Have you heard, since the
03 accident, as Bill says --- have you
04 heard any discussions about what may
05 have caused the accident, why it
06 occurred?

07 A. Well, they say the bearing
08 went bad. But other than that, I

09 have no idea.

10 Q. Do you know who specifically
11 might have told you that?

12 A. No, sir.

13 Q. Do you know Brandon Conley?

14 A. Yeah.

15 Q. Are you aware of a radio
16 interview that was conducted by West
17 Virginia Public Radio with Mr.
18 Conley?

19 A. No, sir.

20 Q. Do you know Junior Robinson
21 and Clarence White? Carl White, I'm
22 sorry.

23 A. Yeah, I know Carl.

24 Q. Carl White. Do you talk with
25 Carl much?

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01 A. I just speak to him ---. Most
02 of the time I see him coming and
03 going, normally I'm up the hill
04 getting supplies when they're coming
05 in. You know, I just might pass them
06 and say, hey, or something to them.

07 Q. Has he ever indicated to you
08 about any fires that he may have been
09 involved with underground?

10 A. No, sir.

11 Q. Have you experienced any

12 braking problems, vehicle brakes,
13 problems with braking on the road
14 down into the box cut?

15 A. No, sir.

16 Q. Did you ever hear of any?

17 A. No.

18 Q. You said you load materials
19 and then you take them down in the
20 box cut?

21 A. Yes, sir.

22 Q. Are there a lot of belt
23 rollers that you have to load up and
24 take into the mine or take down into
25 the box cut to be hauled into the

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01 mine?

02 A. Yeah, sometimes.

03 Q. Is that on a routine basis?

04 A. No. Just every so often they
05 take rollers in.

06 Q. Do you haul the trash out of
07 the box cut, too?

08 A. Yes, sir.

09 Q. Trash that comes out of the
10 mine? Do you segregate trash, try to
11 segregate it into like metal
12 products ---

13 A. Yes, sir.

14 Q. --- and paper products? Do
15 you notice if there's a lot of belt
16 rollers that come out?

17 A. Sometimes there are, yeah.
18 When they change them out, yeah, a
19 lot comes out. Sometimes it's just
20 junk.

21 Q. More bottom rollers than top
22 rollers, or would it be about
23 the ---?

24 A. More bottom rollers.

25 Q. More bottom rollers?

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01 A. Yes, sir.

02 Q. How about length? Can you
03 tell the difference ---? I know you
04 can tell the difference, but I mean
05 do you notice the difference between
06 the seven-foot belt roller, ---

07 A. Yeah.

08 Q. --- bottom rollers, and the
09 five-foot belt rollers that are on
10 the longwall belt?

11 A. Yes, sir.

12 Q. Are there as many of one or
13 the other, or do you know ---?

14 A. It's about the same.

15 Q. About the same?

16 A. Yeah.

17 Q. I guess the reason I ask is
18 that the longwall belt's much shorter
19 than the 72-inch belts that run in
20 the mine.

21 A. Yeah.

22 Q. And I just was wondering if
23 there was like, you know,
24 proportionally more, if there's 3
25 times as much belt that's 72 inches

43

01 compared to five foot. Is there 3
02 times as many 72-inch rollers that
03 come out or go in as compared to ---?

04 A. Basically about the same.

05 Q. About the same number?

06 A. Yeah.

07 Q. Okay. Do you order supplies
08 or does somebody else provide you
09 with an order that says ---?

10 A. No. We have guys to order it.

11 Q. Okay. So you just get the
12 supply list and ---

13 A. Yeah.

14 Q. --- you fill that list?

15 A. Yeah. They call and tell me
16 what they want and I fill the list
17 out.

18 Q. Do you know who requires or

19 who orders them from the manufacturer
20 or supplier to have them delivered to
21 the mine?

22 A. Peanut orders them, Glen Sabo
23 (phonetic). He orders them, and
24 Archie Lance.

25 Q. Are they supervisors?

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01 A. They're the two purchasing
02 agents that order it. And then Gary
03 okays it and then he tells them, you
04 know, to go ahead and order it.

05 Q. Gary Goff?

06 A. Yes, sir.

07 Q. What is his capacity?

08 A. He's mine management.

09 BY MR. TUCKER:

10 Q. On the 19th, after you arrived
11 that night, did you notice if an
12 ambulance went down into the box cut?

13 A. I'm not sure. I don't think
14 there was one down there. I think
15 they was all up top just on standby
16 until somebody gave them notice to
17 come down there.

18 Q. Okay.

19 A. I'm pretty sure everything
20 went up on top.

21 MR. TUCKER:

22 Okay. That's all I
23 have.

24 MR. BEITER:

25 Brad, on behalf of

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01 MSHA, thank you for appearing
02 here today and answering our
03 questions and for sharing your
04 information that you have.

05 Your cooperation is very
06 important to us as we work to
07 determine the cause of the
08 accident.

09 If you wish, you may go
10 back now over any answer that
11 you have given us during this
12 interview. You may also make
13 a closing statement covering
14 any additional points that you
15 believe should be raised. Do
16 you have anything you'd like
17 to add?

18 A. Well, sir, the only thing I
19 can say is, you know, it's a bad
20 thing to happen, but there ain't
21 nothing nobody could have done, no
22 matter who had been in there. When
23 the Lord says it's time to go, you're

24 going to go, no matter what's
25 happened. That's the way I feel

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01 about it, you know. When it's time
02 to go, it don't matter where you're
03 at. It was them boys' time to go.
04 That's the way I feel.

05 MR. BEITER:

06 We respect your
07 opinion.

08 A. Huh?

09 MR. BEITER:

10 We respect your
11 opinion.

12 A. Well, I mean, everybody's got
13 their right to their own opinion. I
14 figure that's my right, ---

15 MR. BEITER:

16 Yes.

17 A. --- and I've got to say it.
18 Is that it?

19 MR. BEITER:

20 Almost. After
21 questioning other witnesses,
22 there may be a need to ask you
23 back. I don't foresee that at
24 this point. If at some later
25 point you have additional

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01 information regarding the
02 accident that you would like
03 to provide to us, if you could
04 please contact Mr. Kenny
05 Murray, who introduced
06 himself, or Mr. Anthony Webb.
07 And there's a card with their
08 contact numbers on it.

09 The Mine Act provides
10 certain protection for
11 individuals who participate in
12 accident investigations. If
13 at any time you believe that
14 you have been treated unfairly
15 because of your cooperation in
16 this investigation, please
17 contact Mr. Murray or Mr.
18 Webb. And again, thank you
19 for your help. I appreciate
20 it.

21 MR. TUCKER:

22 Also, on behalf of
23 Miners' Health, Safety &
24 Training, I would like to say
25 that we appreciate you coming

01 in today. And the State also
02 offers protection to miners

03 against discrimination. And
04 here's one of my cards if
05 you'd ever need to contact me
06 about anything. And this is
07 C. A. Phillips' card. He's
08 our Deputy Director out of our
09 Charleston office.

10 A. Okay.

11 MR. BEITER:

12 Thank you, Mr. Maynard.

13 * * * * *

14 EXAMINATION CONCLUDED AT 8:44 A.M.

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