

01 EXAMINATION UNDER OATH
02 OF
03 GARY CHAD NEIL
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, Division of
11 Mining and Reclamation, 1101 George
12 Kostas Drive, Logan, West Virginia,
13 on Tuesday, April 11, 2006, at 2:51
14 p.m.

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01 A P P E A R A N C E S (cont.)
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03 ALSO PRESENT:
04 EUGENE WHITE
05 BETH SPENCE
06 RONALD STAHLHUT

07 C.A. PHILLIPS
08 CHARLIE POGUE
09 MIKE FINNIE
10 DERRICK TJERNLUND
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01 P R O C E E D I N G S

02 -----

03 MR. STAHLHUT:

04 My name is Ron

05 Stahlhut. I represent the

06 Mine Safety and Health

07 Administration, which is an

08 agency of the United States

09 Department of Labor. I'm a

10 member of MSHA's accident

11 investigation team that is

12 charged with investigating the

13 accident that occurred at the

14 Aracoma Coal Company,

15 Incorporated, Aracoma Alma
16 Mine Number One, on January
17 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. With me
24 here today are other members
25 of MSHA's team and the State's

8

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

09 ATTORNEY BELL:

10 Keith Bell, Solicitor's
11 Office, Arlington, Virginia.

12 MR. WEBB:

13 Anthony Webb, MSHA,
14 Pikeville, Kentucky.

15 MR. POGUE:

16 Charlie Pogue, MSHA,

17 Hunker, Pennsylvania.

18 MR. FINNIE:

19 Mike Finnie, MSHA,
20 Madisonville, Kentucky.

21 MR. TJERNLUND:

22 Derrick Tjernlund, MSHA
23 Tech Support, Triadelphia.

24 MR. FRAN CART:

25 Bill Francart,

9

01 Pittsburgh, Pennsylvania.

02 MR. BURKE:

03 Tony Burke, MSHA,
04 Whitesburg, Kentucky.

05 MR. STAHLHUT:

06 And like I said, my
07 name is Ron Stahlhut, and I'm
08 out of Vincennes, Indiana.

09 And here with me today,
10 representing the State of West
11 Virginia, is Mr. Bill Tucker.
12 He will be asking the
13 questions for the State. And
14 at this time, Mr. Tucker's got
15 a statement.

16 MR. TUCKER:

17 We appreciate you
18 coming in today, Chad. The
19 West Virginia Office of

20 Miners' Health, Safety &
21 Training is conducting this
22 interview session jointly with
23 MSHA, and we are in agreement
24 with the procedures outlined
25 by Mr. Stahlhut.

10

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

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

15 MR. WHITE:

16 Eugene White, District
17 Inspector, Region Three,
18 Danville office.

19 MR. PHILLIPS:

20 C.A. Phillips, Deputy
21 Director, Charleston, West

22 Virginia.

23 MS. SPENCE:

24 Beth Spence, with the

25 Governor's Office.

11

01 MR. STAHLHUT:

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

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

25 reports. Your statement may

12

01 also be used in other

02 enforcement proceedings.

03 I would like to thank

04 you in advance for your

05 appearance here. We

06 appreciate your assistance in

07 this investigation. The

08 willingness of miners and mine

09 operators to work with us is

10 crucial to our success in

11 making the nation's mines

12 safer.

13 This interview with

14 Chad Neil is being conducted

15 under Section 103(a) of the

16 Federal Mine Safety & Health

17 Act of 1977 as part of the

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 Number One

25 Mine, located at Route 17

13

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

04 This interview is being
05 conducted at the Department of
06 Environmental Protection, in
07 Logan, West Virginia, on April
08 11th, 2006, at approximately
09 2:55 p.m.

10 Is it all right if I
11 call you Chad?

12 MR. NEIL:

13 Yes.

14 MR. STAHLHUT:

15 Chad, this interview
16 will begin by asking you a
17 series of questions. Feel
18 free at any time to clarify
19 any statements that you make
20 in response to the questions.
21 After we have finished asking
22 questions, you will have an
23 opportunity to make a
24 statement of your own and to
25 provide us with any other

14

01 information that you believe
02 may be important.

03 You're permitted to

04 have a representative with you
05 during this interview. You
06 may consult with your
07 representative at any time.
08 You may designate any person
09 to be your representative.
10 Following the questions by
11 MSHA and the State, this
12 representative will be given
13 the opportunity to ask
14 questions for purposes of
15 clarification on areas already
16 discussed. Do you have a
17 representative with you today?

18 MR. NEIL:

19 Yes, I do.

20 MR. STAHLHUT:

21 Would you please
22 identify him?

23 MR. NEIL:

24 Mr. David Hardy.

25 MR. STAHLHUT:

15

01 Your statement is
02 completely voluntary. You may
03 refuse to answer any question
04 and you may end your interview
05 at any time. If you do not

06 understand a question, tell me
07 and I will rephrase it. If
08 you need a break for any
09 reason, please let me know.

10 You may request an
11 opportunity to make a
12 confidential statement which
13 we will withhold from the
14 public to the extent allowed
15 by law. Should you desire to
16 give a confidential statement,
17 you should advise me now
18 before I begin your interview
19 so that I can reschedule your
20 interview in order to properly
21 consider your request.

22 A court reporter will
23 record your interview and will
24 later produce a written
25 transcript of the interview.

16

01 I ask you to state all your
02 answers verbally because the
03 court reporter cannot record
04 your noddings of the head or
05 other gestures. If any part
06 of your statement is not based
07 on your own firsthand
08 knowledge but on information

09 that you learned from someone
10 else, please let us know.
11 Please answer each question as
12 fully as you can, including
13 any information that you have
14 learned from someone else. We
15 may not ask the right
16 questions to learn the
17 information you have, so do
18 not feel limited by the
19 precise question asked. If
20 you have information about the
21 subject area of the question,
22 please provide us with that
23 information. Do you have any
24 questions about the manner in
25 which this interview will be

17

01 conducted?

02 MR. NEIL:

03 No.

04 MR. STAHLHUT:

05 Will the court reporter

06 please swear in Mr. Neil?

07 -----

08 GARY CHAD NEIL, HAVING FIRST BEEN

09 DULY SWORN, TESTIFIED AS FOLLOWS:

10 -----

11 BY MR. STAHLHUT:

12 Q. Please state your full name.

13 A. Gary Chad Neil.

14 Q. Your address?

15 [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

19 Q. And could you spell your last
20 name for the record?

21 A. N-E-I-L.

22 Q. Are you appearing voluntarily
23 at this interview?

24 A. Yes.

25 Q. Has anyone made any promises

18

01 to you for giving this statement or
02 offered you any reward in exchange
03 for making your statement?

04 A. No.

05 Q. Has anyone threatened you or
06 warned you not to provide this
07 statement?

08 A. No.

09 Q. Do you understand that you may
10 refuse to answer any question or
11 terminate this interview at any time?

12 A. Yes.

13 Q. Have you been made aware that

14 Mr. Hardy also represents the company
15 in this matter ---
16 A. Yes
17 Q. --- and that there's the
18 potential for a conflict of interest
19 that could arise between yourself and
20 the company?
21 A. I'm not aware of any. But
22 he's --- I requested his
23 representation.
24 Q. Are you willing to proceed?
25 A. Yes, I am.

19

01 Q. How long have you worked at
02 the Aracoma Number One Mine, Alma
03 Number One Mine?
04 A. I hired in January the 10th of
05 '05.
06 Q. Do you currently still work at
07 the Aracoma Mine?
08 A. I'm still an employee of
09 Aracoma, but I'm not actually working
10 at that mine site at this time. I'm
11 working at the Revolution Mine for
12 Independence right now.
13 Q. What was your job
14 classification on the day of the
15 accident, on January 19th?

16 A. A longwall electrician.
17 Q. How long had you held that
18 position?
19 A. With that company, just that
20 one year, one year and so many days.
21 Q. Are you considered a member of
22 management? Are you a supervisor?
23 A. No.
24 Q. Are you a qualified
25 electrician?

20

01 A. Yes.
02 Q. When did you become a
03 qualified electrician? Do you
04 remember?
05 A. In January of '98.
06 Q. What other jobs have you held
07 at Aracoma?
08 A. I'm sorry, it was January of
09 '99.
10 Q. Have you held any other jobs
11 at the Aracoma Mine?
12 A. No. In the past I had. Not
13 since I've been employed there this
14 time. I've been employed there
15 before in --- several years back.
16 Q. I guess my next question is
17 going to be how many total years of
18 mining experience you got and what

19 experience was that.

20 A. I started in mining in May of

21 '97.

22 Q. What mine was that in?

23 A. That was at the Hazy Ridge

24 Mine for Independence.

25 Q. What jobs have you performed

21

01 in the mines, since you began in the

02 mines?

03 A. Other than --- approximately

04 --- I would say around eight months

05 of just general labor, insulation of

06 belt lines. And after that, in --- I

07 believe it's February --- January or

08 February of '98, I hired in at

09 Marfork in the training electrician

10 program. And since then, I've been

11 doing electrical maintenance work.

12 Q. Who was your immediate

13 supervisor on the day of the

14 accident, on January the 19th?

15 A. Bob Massey.

16 Q. Does your immediate supervisor

17 work on the same shift you do?

18 A. Yes.

19 Q. What shift did you work on

20 January the 19th?

21 A. Day shift.

22 Q. Day shift. What time did that
23 shift start and end?

24 A. We start at six o'clock in the
25 morning, six o'clock a.m., and the

22

01 shift --- that day I went to the
02 section with the crew, and so I'm not
03 sure of the exact time we quit. It
04 would be on the time clock. Probably
05 in the neighborhood of between 5:00
06 and 5:30 p.m.

07 Q. Did you come outside --- was
08 that what time you got outside or was
09 that what time you left the section,
10 or do you ---?

11 A. It's what time I came outside.

12 Q. Came outside. Did you go home
13 at that time?

14 A. Yes. After --- I mean, we
15 came outside and did some chatting,
16 paperwork and go home.

17 Q. Okay. That day --- take me
18 back, and you may have said it, about
19 what time did you arrive at the mine
20 that day? You said the shift started
21 at 6:00?

22 A. It starts at 6:00.

23 Q. So you usually get there ---?

24 A. 5:30.

25 Q. 5:30. Who was your supervisor

23

01 on that day?

02 A. Bob Massey.

03 Q. Is he your normal supervisor?

04 A. Yes, sir.

05 Q. What is his job position?

06 A. He is the longwall maintenance

07 foreman, dayshift maintenance

08 foreman. I'm not sure of the title,

09 but that ---.

10 Q. What was your work assignment

11 for that day? Did he give you a

12 specific assignment for that day?

13 A. Yes. I would go to help

14 troubleshoot the longwall section,

15 assist the troubleshooters. There's

16 two assigned troubleshooters to each

17 crew. And that particular day I went

18 with the crew to assist.

19 Q. I guess for your assignments

20 for that day, was there any specific

21 problems you were to troubleshoot for

22 that day?

23 A. No. It was just a general

24 troubleshooting.

25 Q. Just general?

01 A. Whatever breaks down.

02 Q. And how do you normally

03 receive these assignments if there's

04 a specific ---?

05 A. Verbal.

06 Q. Verbal. Where do your duties

07 require you to work? What areas of

08 your mine are your normal job duties?

09 A. The longwall face.

10 Q. Longwall face. Do you ever go

11 into any other areas?

12 A. Seldom.

13 Q. Do you work --- on the 19th,

14 did you go to any of the belt drives

15 or any other areas of the mine on

16 that particular day when you were

17 troubleshooting that day?

18 A. Our area consists of from the

19 mule train down to the longwall face

20 and, of course, across the face. And

21 that particular day I did go to the

22 mother drive.

23 Q. And what was the reason or why

24 did you go to the mother drive?

25 A. I'm not sure of the time, but

01 the mother drive had been down for a

02 period of time. If I'm not mistaken,

03 the actual term that was used was
04 plugged chute. And that involves
05 normally a tilt switch in the rock
06 box. Normally when the coal builds
07 up in the rock box, if the other belt
08 would happen to shut off and the
09 sequence switch didn't work, the tilt
10 switch would keep that belt from
11 running so there wouldn't be a
12 gob-out at the head. Or if there was
13 a large object in the rock box it
14 would disable the head from running
15 while you cleaned it out, and it
16 wouldn't cause a gob-out. That
17 particular day, it went off for that
18 reason. It had been down for a
19 period of time. And my supervisor
20 asked me to go check on the mother
21 drive.

22 Q. And your supervisor was Bob
23 Massey?

24 A. Yes, sir.

25 Q. Let me back up just a little

26

01 bit. I guess to get a little better
02 picture of your day on the 19th,
03 could you start from like when you
04 got on the --- or when you started in

05 the mine, but when you got there and
06 sort of --- the best you can
07 remember, what your day consisted of,
08 approximately?

09 A. At the start of the shift, we
10 had a broke tram shaft on the
11 shearer. Replaced the tram shaft.
12 We was late getting to the section.
13 I'm not really sure. Long time ago.
14 I remember the tram shaft and we
15 worked on cleaning out the part sleds
16 on the --- there's a sled of
17 --- a series of sleds that we pull
18 along. It's got tool boxes, parts.
19 And we were working on cleaning the
20 part sleds.

21 Q. Approximately when you changed
22 the tram shaft, how long did that
23 take in the day? I mean,
24 approximately, was it ---?

25 A. It would be 30 minutes at the

27

01 most.

02 Q. Thirty (30) minutes at the
03 most?

04 A. Sure.

05 Q. Approximately at what point in
06 time in your shift did you go out to
07 the mother drive? About what time

08 did that occur?

09 A. I'm not sure what time it went
10 down. It went down in the
11 neighborhood of --- you all have the
12 production reports. The neighborhood
13 of, I'd say, approximately between
14 1:00 and two o'clock, would be a
15 guess. I'm not really sure.

16 Q. And you said the --- you
17 described the problem was it was
18 showing a plugged chute?

19 A. That's what I was told.

20 Q. That's what you were told?

21 A. Yes.

22 Q. Who else was present when you
23 arrived out there at the starter box,
24 where you were troubleshooting at?

25 A. At the mother drive?

28

01 Q. At the mother drive.

02 A. I was not troubleshooting at
03 the mother drive. I was told to go
04 to the mother drive because the belt
05 was down. And as I --- we had to
06 walk from the section up to the
07 mother drive. And on my way up the
08 hill, it started. But I wasn't
09 probably --- I'd say I was within

10 four, five, six breaks of the mother
11 drive, and I walked on it to the
12 mother drive.

13 Q. And who did you observe at the
14 mother drive starter box when you got
15 there?

16 A. The beltman. And that day it
17 was Carl White.

18 Q. Carl White. Was there anyone
19 else there with him?

20 A. No, there wasn't. No.

21 Q. And did Carl tell you what was
22 wrong and what started the belt at
23 that time?

24 A. He said the tilt switch was
25 --- is what had it off the plugged

29

01 chute. He said that they went over
02 to the belt head and was --- a lot of
03 times with it, just like a land mine
04 or a tilt switch, sometimes ---
05 they're built on a sensor inside of
06 it. And you can jiggle one or wiggle
07 it or shake it and sometimes they'll
08 just start working again. They have
09 dirt, moisture ---. A lot of things
10 cause that. There may be a wire that
11 would be possibly grounded or
12 something like that, and it would

13 cause it. But they just went over
14 and fooled with the tilt switched,
15 and the belt started.
16 Q. Who are they? Was this Carl
17 or someone ---?
18 A. Yeah, Carl. Whoever would be
19 there with him. I mean, that's a
20 general --- I'm using that generally.
21 Whoever would be there would do that.
22 Q. I didn't know if anyone else
23 was out there or not.
24 A. No, no. As a general
25 statement, they would be whoever the

30

01 belt man would be at that time.
02 Q. Was Dusty Dotson out there?
03 Did you see him in that area ---
04 A. No, I did not.
05 Q. --- when you arrived out
06 there? How many times did the belt
07 shut down before you walked to the
08 mother drive? Has it been down all
09 that time, or was it on and off
10 or ---?
11 A. I'm not sure.
12 Q. You're not sure?
13 A. No. I was there and they
14 hollered from the gate box and said,

15 you know, you need to go to the
16 mother drive. And I need to verify
17 --- the statement that was told to me
18 came from another party, that I
19 needed to go to the mother drive. I
20 did not talk to Bob on the phone and
21 Bob say, Chad, go to the mother
22 drive. It was told to me, you need
23 to go to the mother drive. So he
24 didn't actually tell me to do it, but
25 I was told by another party to go up

31

01 there and check it.

02 Q. While you were out there or
03 when you went to the mother drive,
04 ---

05 A. Yes.

06 Q. --- did you observe or did you
07 work on any other problems with the
08 mother drive?

09 A. No.

10 Q. Did you open the doors to the
11 starter box, looking in to see if
12 there was anything going on or did
13 you just ---?

14 A. Not that I remember, no. I
15 didn't --- I wouldn't have any reason
16 to be up there.

17 Q. The belt was running and you

18 turned around and went back to the
19 section; is that correct?

20 A. I probably talked to Carl a
21 little bit and then I left.

22 Q. But you didn't do any --- you
23 didn't look at anything or see
24 anything in the starter box. Okay.
25 Did you hear anybody talk about

32

01 anything during that day or later in
02 the shift or whatever about, you
03 know, other problems with the mother
04 drive or any of the problems with
05 safety devices on that mother drive?

06 A. No.

07 Q. Have you heard of any problems
08 with the ground monitors on the
09 mother drive?

10 A. No.

11 Q. Had you had occasion on that
12 day or any previous day to go out to
13 the mother drive and work on it or
14 aware of the belt being off for any
15 reason?

16 A. Not to my knowledge.

17 Q. Not to your knowledge. So had
18 you performed any work in the last
19 week, we'll say, for a time period,

20 had you been to the mother drive
21 previously to that?

22 A. No, sir.

23 Q. Your normal workdays are on
24 the longwall face ---

25 A. Yes, sir.

33

01 Q. --- and you normally ---
02 unless you're requested to go out
03 there?

04 A. Right.

05 Q. And do you happen to remember
06 any other times that you had went out
07 there, that you can remember
08 recently?

09 A. Not to give you a definite.

10 I'm sure I may have went --- I went
11 through that area several times, but
12 it was --- I've never done any kind
13 of troubleshooting at the mother
14 drive.

15 Q. Were you familiar with or had
16 --- while you've been on the
17 longwall, had there been problems out
18 there at the mother drive, where the
19 power was going off or something, you
20 heard them talking on the phone or
21 anything about the trouble with some
22 of the safety devices on the mother

23 drive, something kicking it off, to
24 your knowledge?

25 A. Not that I can recall, like a

34

01 specific --- I mean, it goes off and
02 somebody goes and --- I don't --- we
03 don't have any reason to --- you know
04 what I'm saying, to work on it. We
05 just --- we do longwall.

06 Q. Who would work on it? If it
07 normally went off, who would go
08 there?

09 A. It would have to be an outby
10 electrician, say like Jimmy Wells or
11 Jesse Jude. I'm trying to think of
12 some of them that worked that area.
13 I'm not sure of the rest of the guys
14 that --- Jesse works my shift, so I'm
15 more familiar with him, he and Jimmy.

16 Q. Is there any other outby
17 electricians that work your shift
18 that you can recall?

19 A. Not that shift. Not that
20 shift.

21 Q. Who would the outby
22 electricians be on the evening shift?

23 A. At that time, I think they had
24 Shane Browning, Tim --- I'm not sure

25 what his last name is. But they

35

01 usually just --- those two guys

02 particularly just normally worked on

03 diesel equipment. They didn't ---

04 Billy Ray Hall, he's the evening

05 shift chief. I'm not sure, to be

06 honest with you.

07 Q. Have you performed any other

08 work out there at the mother drive or

09 the belt take-up area, had to go out

10 there for any other reasons?

11 A. We don't ever ---.

12 Q. You just don't go out there.

13 Okay.

14 A. No.

15 Q. So you wouldn't be familiar

16 with any other problems. I think I

17 already asked that. Is that correct?

18 A. No, I would not be familiar.

19 Q. Okay. Have you ever made an

20 inspection of the water sprinkler

21 systems on the mother drive or are

22 you ever required to do that?

23 A. No, sir.

24 Q. What about the weekly

25 examination on the --- for the mother

36

01 belt drive, the weekly electrical

02 examination?

03 A. That would be --- normally
04 that's a midnight shift. It's on
05 their PMs, or preventative
06 maintenance program. It's on their
07 list to do. We never have anything
08 to do with it.

09 Q. My next question is going to
10 be, have you ever been asked to do
11 that?

12 A. No, sir.

13 Q. Okay. I asked you if you've
14 made an examination of the water
15 sprinkler system. I guess the next
16 question is going to be, have you
17 ever received any training on the
18 examination of a water sprinkler
19 system from the company?

20 A. On the mother drive, no. But
21 like on a normal 48-inch belt line
22 for a miner section, several years
23 ago, just the installation of it.

24 Q. What type of system was this?
25 Was it a water sprinkler or deluge,

37

01 or do you remember?

02 A. It was a --- it was run off a
03 belt boss system. I'm not even --- I

04 think they called it a deluge system,
05 but I'm not really sure.

06 Q. Are you familiar with the one
07 at the mother drive ---

08 A. No.

09 Q. --- that was out there?

10 A. No. I have no idea. That was
11 too many years ago.

12 Q. So you hadn't worked on it
13 recently?

14 A. No, sir.

15 Q. So that was something in the
16 past?

17 A. Right.

18 Q. Okay. Who makes the --- do
19 you make an examination of the
20 longwall face or the seven-day
21 examination required on the longwall
22 face?

23 A. No, sir.

24 Q. Who makes that seven-day
25 examination?

38

01 A. That is --- the maintenance
02 supervisor has a list actually on his
03 door, probably still on his door, and
04 it has each name of each certified
05 electrician and what their duties are
06 as far as permissibility. The

07 responsibilities that I personally
08 have, I'm sure that's probably your
09 next question, is I do the --- like
10 the outby equipment. Like if we go
11 to --- you have a face, an active
12 face, and that's where we're mining.
13 Well, when you leave a face behind,
14 when you start mining a new face, you
15 have what's called tear-down. That's
16 where you go tear down the old
17 equipment. And if we would be using
18 a hauler there or any type of
19 equipment like that, a roof bolter
20 for any reason, I would examine that
21 equipment. And at the new set-up
22 face, when we go to set up a new
23 face, the haulers that are used
24 there, I would examine those,
25 chargers, power center, that type of

39

01 thing.

02 Q. So you don't do any on the
03 active longwall face, high-voltage
04 longwall face?

05 A. No, sir, just the initial. I
06 do the initial exam before start-up.

07 Q. Before start-up?

08 A. Yes, sir.

09 Q. Do you know what frequency
10 that examination is made on the
11 longwall face, the high-voltage
12 longwall face?
13 A. The equipment is done weekly.
14 Methane monitors, I believe, are
15 monthly. I'm not familiar with it.
16 But I know the examinations for
17 equipment used on the face are weekly
18 exams.

19 MR. STAHLHUT:

20 Any questions, Bill?

21 BY MR. TUCKER:

22 Q. I've got just a couple here,
23 Chad. You mentioned that somebody
24 had sent you to work on the --- or
25 asked you to go down and check out

40

01 the mother drive?

02 A. Yes, sir.

03 Q. Do you remember who asked you
04 to go down there?

05 A. It would be one of the
06 electricians on that shift at the
07 time. I'm not sure what crew was
08 even running that day. Or the
09 headgate man that day. I'm not sure
10 who was on day shift. I can't ---.

11 Q. Okay.

12 A. I can't recall that.
13 Q. When you got down, you
14 mentioned the belt started back up
15 right before you got there.
16 A. Yes, sir.
17 Q. So you went on down ---?
18 A. On my way, uh-huh (yes).
19 Q. And you mentioned Carl White
20 was the only person there, and you
21 had some conversation with him.
22 A. Yes, sir.
23 Q. Did he express any concerns to
24 you about the belt?
25 A. No, not that I can recall.

41

01 Q. Okay. Are you familiar with
02 the winch extension fault or ---?
03 A. I know the term. I know it's
04 been used. As far as a --- do I know
05 what it is? Absolutely not.
06 Q. As far as describing it.
07 A. I have no idea. I've heard
08 the term. You hear winch fault, as
09 far as a term used. But I'm not sure
10 what the term means.
11 Q. Okay. So by that, I'm sure
12 you've never went to actually if they
13 had this --- come out on this fault,

14 you've never ---?

15 A. Uh-uh (no).

16 Q. Okay. So after you talked to
17 Carl and then you --- I guess you
18 walked back up to the section?

19 A. Yes, sir.

20 Q. Do you recall if the belt
21 stopped again after that?

22 A. Not to my knowledge. That
23 would be --- that would be on the
24 production --- I would have no idea.
25 I'm not sure of the days.

42

01 Q. Right. And I know it's been a
02 while, so you're just trying to think
03 back.

04 A. Yeah.

05 Q. But to the best of your
06 knowledge, after you left Carl and
07 went back to the section, you don't
08 recall the belt ---?

09 A. Not that I recall.

10 Q. Okay. Do you have any
11 knowledge of Dusty Dotson working on
12 the belt on the 19th?

13 A. No. He's --- I mean, I hate
14 to --- he's not a beltman. That's
15 not his job.

16 Q. Okay. So how did you first

17 find out about the fire?

18 A. A phone call.

19 Q. So you had already left the

20 mine?

21 A. Yes.

22 Q. And somebody called you at

23 home?

24 A. My dad called me.

25 Q. What did you do after you

43

01 found out?

02 A. I went to the mine.

03 Q. Could you tell me what you did

04 after you got back to the mine, after

05 the fire?

06 A. I put my clothes back on and

07 my belt and boots back on and was

08 going to do anything I could to

09 assist the recovery. The --- I'm not

10 sure of the lady's name that was

11 there from MSHA, she enacted a k

12 Order, so ---.

13 Q. Right.

14 A. And you know, no one was

15 allowed in or nothing like that, so I

16 just stayed there to help.

17 Q. Did you end up doing anything

18 as far as --- I know now you're still

19 on the outside of the mines. But did
20 you do anything --- if you would,
21 just tell me what you did ---
22 A. Not that night.
23 Q. --- that night.
24 A. That night, I did not do
25 anything.

44

01 Q. Did you ever go to the
02 dispatcher's office?
03 A. Yes. Oh, that night? Yeah,
04 sure did. I know where you're going
05 with it now. That's a leading
06 question. I'm going with you now. I
07 received a phone call from someone
08 from MSHA, and they asked if the COs
09 were active. I believe that's the
10 question they asked. And if I'm not
11 mistaken, at that time, in that area
12 they wasn't because they had knocked
13 the power to that area. And they
14 asked for the CO log, the
15 dispatcher's CO logbook, and they
16 asked for the printouts. Each time
17 there's a fault, the printer will
18 print out the fault on a piece of
19 paper, and they print out. So they
20 asked for the printouts and they
21 asked for the logbook, the

22 dispatcher's logbook. And I took
23 them upstairs and gave them to them.
24 Q. Okay. Did you, at any time,
25 relieve out the dispatcher that

45

01 evening of the 19th?
02 A. No. They had a --- the
03 dispatcher --- the dispatcher's
04 office wasn't used as a dispatcher's
05 office at that time since --- when
06 MSHA came in and done their deal,
07 they set up a guy upstairs in the
08 maintenance superintendent's office,
09 and they done all the telephone
10 answering and they had a command
11 center. So there wasn't no talking
12 on the phone or nothing like that.
13 You couldn't call out, couldn't
14 receive calls.

15 Q. Do you recall what time you
16 got back to the mine or an
17 approximate time?

18 A. No, I sure don't. It was ---
19 if I had to guess, and it would
20 totally be a guess, ---

21 Q. Right.

22 A. --- it would be in the
23 neighborhood of probably between 7:00

24 and eight o'clock.

25 Q. Okay.

46

01 A. I'm not really sure. I'm not

02 sure at all.

03 Q. If I remember right, you said

04 you left --- what time did you leave

05 that day?

06 A. In the neighborhood of 5:30.

07 Q. Okay.

08 A. I'm not, you know, completely

09 sure, but it was in that

10 neighborhood.

11 MR. TUCKER:

12 Okay. Thank you.

13 BY MR. STAHLHUT:

14 Q. I got just a few more

15 questions, Chad.

16 A. Sure.

17 Q. When you went out to the ---

18 when you were asked to go out to the

19 mother drive, ---

20 A. Yes, sir.

21 Q. --- when you walked by there,

22 did you walk up the belt --- did you

23 go up the belt line?

24 A. I walked up the --- I'm trying

25 to count the entries. There's a ---

47

01 there's the drive entry and then
02 there's a travelway, so to speak, and
03 then there's the power entry. And I
04 went up the travelway as far as I
05 could, and then I went over on the
06 belt line and walked the belt line
07 the rest of the way, which is the
08 last probably four to five breaks.

09 Q. When you walked through the
10 storage area, the belt storage area,

11 ---

12 A. Uh-huh (yes). I did walk
13 through that area.

14 Q. --- did you notice anything
15 unusual or any smells, any unusual
16 smells or any haze, anything at all
17 at that time?

18 A. No, sir.

19 Q. And I probably asked this, but
20 about what time --- do you have any
21 idea about what time that was in the
22 afternoon that you went up there?

23 A. I couldn't tell you an exact
24 time. I would guess in the
25 neighborhood of 2:30. I'm not a

48

01 hundred percent sure. But ---

02 Q. Okay.

03 A. --- if I looked at the
04 production report and it said the
05 belt started at 2:15, I'd say I was
06 there at 2:20. As I walked up
07 through there, the belt started. So
08 you all can draw a conclusion from
09 ---.
10 Q. You mentioned the production
11 portion. We haven't --- how do you
12 know ---?
13 A. I'm sure you have.
14 Q. Nobody's told you you did
15 or ---?
16 A. That's kind of like the
17 permissibility books. I know you
18 have them, so you know that I filled
19 out the books. But I'm not sure of a
20 date or a time or anything like that.
21 Q. And do you remember --- and
22 you said that the belt was --- were
23 you told --- when you went out to the
24 belt drive, were you told what the
25 problem was when you went out there,

49

01 or did they say, you know, ---?
02 A. Yes, plugged chute.
03 Q. Plugged chute?
04 A. Sure.
05 Q. I didn't know for sure when

06 you left there, walking out there,
07 ---
08 A. Yes, sir.
09 Q. --- if that's what they said?
10 A. Yes. And that's the only
11 reason I went, because that's --- and
12 that's a thing that --- that's the
13 only reason I went is because that
14 was the problem. If it was a --- you
15 mentioned another fault, a winch
16 fault.
17 Q. A winch fault.
18 A. They wouldn't have sent me. I
19 mean, we don't --- a general
20 electrician off another section
21 wouldn't know how to fix something at
22 the mother drive.
23 Q. I guess that was going to be
24 one of my next questions.
25 A. Yes, sir.

50

01 Q. Were you aware of any heating
02 problems with that starter box or
03 whether a starter box went off
04 sometime in the past, ---
05 A. No, sir.
06 Q. --- was having any problems?
07 A. No.

08 Q. Okay. At any point in time
09 did you do any work on removing the
10 two-inch waterline along the longwall
11 belt? Were you ever required to do
12 any work on the waterline?
13 A. No, sir.
14 Q. The evening of the accident,
15 when you went back to the mine and
16 you were at the dispatcher's office
17 or in that area, and you mentioned
18 that the --- something about the
19 power was already knocked, do you
20 have any idea --- did someone tell
21 you when the power was knocked
22 or ---?
23 A. No.
24 Q. You don't know who or what
25 time ---?

51

01 A. They just said the power had
02 been knocked to that area.
03 Q. Just the power had been
04 knocked?
05 A. Yes, sir.
06 Q. Just to that area or did they
07 say ---?
08 A. I have no idea. That's what I
09 remember. I'm not really sure.
10 Q. I was just --- I didn't know

11 ---

12 A. Sure.

13 Q. --- if the power was off to
14 the entire mine or if you said just
15 part of it or ---.

16 A. They just said the power had
17 been knocked, so ---.

18 Q. The power had been knocked,
19 okay. When you were talking about
20 the dispatcher's office, after you
21 returned to the mine, ---

22 A. Yes, sir.

23 Q. --- it said that the office
24 was not used as a dispatcher's
25 office. How was the dispatcher's

52

01 office used before the fire, or what
02 was different after the fire had
03 occurred? Was the dispatcher's ---?

04 A. Before the fire, the
05 dispatcher's, if you want to say, job
06 is it monitor the CO system. He
07 monitors the --- if Number Two belt
08 goes off, he would call and say the
09 Number Two belt --- he monitors the
10 belts. He monitors the COs. And he
11 keeps track of equipment moving in
12 and out of the mine.

13 Q. Has that since --- when did
14 you leave Aracoma Mine or to go to
15 the other --- you said you ---.

16 A. I don't have a date. It was
17 approximately two weeks after the
18 fire.

19 Q. Two weeks after the fire?

20 A. Approximately. It may have
21 been one and a half. I'm not
22 completely sure.

23 Q. Were you in the actual
24 dispatcher's office after you came
25 back to the mine on that evening?

53

01 A. Yes, sir, I was.

02 Q. Did you observe any CO sensor
03 readings on the screen on the 19th,
04 have any ---?

05 A. No, sir.

06 Q. Did you look at the CO
07 monitors or anything on the screen to
08 see what ---?

09 A. No, sir.

10 Q. Did you hear an alarm going
11 off or anything?

12 A. No, sir.

13 Q. Do you know what caused the
14 fire at the mother belt?

15 A. That's what the investigation

16 is for. I don't know what caused it.

17 Everyone says a carriage roller or

18 --- I don't know. I don't know what

19 caused it.

20 Q. You don't know?

21 A. That's hopefully what we'll

22 find out.

23 Q. Do you have an opinion on how

24 the accident could have been avoided?

25 A. Nope.

54

01 MR. STAHLHUT:

02 Any further questions?

03 BY MR. TUCKER:

04 Q. I just have a couple.

05 A. Sure.

06 Q. When you talked to Carl White,

07 do you know where he was at when you

08 met up with him?

09 A. He was in the entry, where the

10 --- there were several boxes in that

11 area where the --- you had the mother

12 drive, the actual drive unit. And

13 the next entry over was where the

14 power center, longwall splitter ---

15 and the drive box and the winch box

16 were all in that area. And he was in

17 that area. That's where I

18 encountered him. If I'm not
19 mistaken, he was sitting beside the
20 mine phone. It's near the end of his
21 shift.

22 Q. By the power center?

23 A. In that area.

24 Q. That mine phone there by the
25 power center?

55

01 A. Yes, sir.

02 Q. Okay. Was he talking on the
03 phone or just sitting there by the
04 phone?

05 A. He might have been listening.

06 I'm not sure.

07 Q. If he was talking, you
08 wouldn't have ---.

09 A. Beltmen do that a lot.

10 Q. Yeah. And I know I already
11 asked this, but ---

12 A. Sure.

13 Q. --- he didn't express any
14 concern to you about any problems at
15 the belt drive that he was having or
16 had had that day or anything?

17 A. No, sir.

18 Q. You mentioned you heard rumors
19 at the mine, and which we are, you
20 know, trying to sort through your

21 information and try to determine, you
22 know, what did happen. But have you
23 heard a rumor about maybe the mother
24 drive being bridged out, ---
25 A. No, sir.

56

01 Q. --- the belt, anything there?
02 A. No.
03 Q. Okay.
04 A. I'm not --- I'm not sure of
05 anything you can bridge out at the
06 mother drive that would cause a fire,
07 except a drive roller slip, and that
08 would be a fire starting at the drive
09 roller and not in the take-up unit.
10 Q. Okay. You mentioned you ---
11 well, I think you said you worked at
12 Aracoma before and you had left?
13 A. Yes, sir.
14 Q. Any particular reason or just
15 closer to home?
16 A. No. I --- after I got
17 certified, I was interviewed for a
18 job at Eagle Energy Mine on the
19 longwall to have an opportunity to
20 begin working on a wall. The job I
21 had had before was just on a miner
22 section. And I had always had an

23 interest in the longwall, and I took
24 that opportunity. And when I went to
25 Eagle, then I went to Justice, on

57

01 their longwall, after Eagle Mine shut
02 down. And then I had went to
03 Aracoma. They were talking about
04 putting one in there, and I had went
05 there. But there came an opportunity
06 for a maintenance foreman job at
07 Justice, and I went back to Justice
08 from Aracoma.

09 Q. So apparently you like the
10 longwall then?

11 A. I love it.

12 Q. Is that right?

13 A. Yes, sir.

14 MR. TUCKER:

15 That's all I have. I
16 appreciate your ---

17 A. Yes, sir.

18 MR. TUCKER:

19 --- patience.

20 BY MR. STAHLHUT:

21 Q. A couple more questions.

22 A. No problem.

23 Q. When you walked out there by
24 the take-up unit area, when you were
25 walking out the belt line, ---

01 A. Yes, sir.

02 Q. --- going out there to see
03 what the problem was or to check the
04 switch, did you happen to notice
05 which direction the airflow along the
06 longwall belt was going?

07 A. No.

08 Q. Was the air hitting you in the
09 face or you didn't pay any attention?

10 A. No idea. No idea.

11 Q. I guess my next question,
12 would you know how the ventilation or
13 airflow is controlled in the ninth
14 tailgate going into the longwall?

15 A. I know that --- the longwall's
16 split of air, our split of air, I
17 know where it is. But as far as
18 ventilation of the coal mines, I have
19 no idea. But I know where the
20 longwall's air --- as far as our
21 escapeway, we knew our escapeway. So
22 we knew where --- you know, our
23 bosses went over ---. We did
24 whatever, the fire drill --- you
25 know, we knew where our escapeways

01 were. We knew our primary and

02 secondary. So we knew our split of
03 air. But as far as anything inby us
04 or the miner sections or the belt
05 drives, we didn't have any knowledge
06 of ---.

07 Q. When they went over this air,
08 was this before or after the
09 accident?

10 A. Before.

11 Q. Before the accident?

12 A. Yes.

13 Q. Do you remember approximately
14 what time that was?

15 A. No earthly idea.

16 Q. Okay. When you went out to
17 the belt drive, we mentioned the
18 waterline. You basically said --- do
19 you have any idea when that waterline
20 was installed along that belt line?

21 A. When it was installed?

22 Q. Yes.

23 A. I have no idea. I saw it.
24 You know, as you walk the belt line,
25 it's running down the belt line. But

60

01 as far as ---.

02 Q. Had it been there the first
03 time you walked down that belt line?

04 A. Oh, yeah. It had been there

05 since I had remembered. I don't
06 remember not seeing it there.

07 Q. Okay. You mentioned something
08 about not knowing anything that could
09 be bridged out there on that starter
10 box that would cause a fire and said
11 that, you know, you probably wouldn't
12 work on problems on that starter box
13 or that drive. How are you sure that
14 maybe not bridging something out
15 would not cause --- could not cause a
16 fire or would not cause a fire?

17 A. General knowledge.

18 Q. General knowledge.

19 A. It's a --- from a belt head,
20 just a general belt head, I mean, the
21 only --- general knowledge of sensors
22 is you have your sequence slip, your
23 drive, fire suppression, there's ---
24 and the storage unit has nothing to
25 do with any of those. And from what

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01 --- I guess you could say I wasn't
02 there when the fire started, but many
03 people that are --- but the couple
04 people that I know that were, that's
05 where the fire started, was in the
06 winch. And there's nothing to do

07 with the winch that --- it's a
08 free-running pulley system, so it's
09 not a ---.
10 Q. You remember when you walked
11 out that belt line, did you walk by
12 the belt drive?
13 A. The drive?
14 Q. Yes.
15 A. No. I walked --- when you got
16 --- coming up the belt line, you
17 walked by the storage unit. And then
18 there was a roadway underneath the
19 belt line and then the mother drive
20 --- the drive unit that had the three
21 motors and the drive rollers and the
22 discharge. So when I got up by the
23 storage unit, I walked under that
24 travelway that went --- you know,
25 there's doors on each side of it.

62

01 Q. Right.
02 A. I walked under that, through
03 the door, and when you go through the
04 door, the next break was the power
05 center.
06 Q. That's the location of the
07 starter boxes, too?
08 A. Yes, sir.
09 Q. Okay. Did you happen --- when

10 you left there, did you go back
11 around by the Seven tail and the head
12 drive or were you aware of the ---?
13 A. I walked the same, same way.
14 I walked back the same ---.
15 Q. Were you aware of the --- you
16 went the same way in and out?
17 A. Yes, sir.
18 Q. Had you been around that Seven
19 tail?
20 A. No, sir.
21 Q. So you wouldn't know where the
22 exact location of the sensor was at
23 that Seven tail?
24 A. No.
25 Q. Okay. The couple people you

63

01 mentioned that you talked about the
02 fire, who were they?
03 A. Bryan Cabell was the beltman
04 on the evening shift that day. And
05 the other fellow, I honestly cannot
06 recall his name. He's the guy that
07 was driving the five-man ride that
08 come under there and was assisting
09 Bryan.
10 Q. What did they tell you that
11 day?

12 A. Callaway. Pat Callaway is his
13 name. Excuse me?
14 Q. What did they tell you that
15 day when you talked to them?
16 A. They told me that the belt ran
17 off, that the carriage unit had --- I
18 don't know, dislodged. I'm not sure
19 how that system works. They said a
20 carriage unit had kicked sideways and
21 the belt had run off to one side.
22 And they turned the belt off to, I
23 guess, fix the carriage unit, and
24 that's when the fire started.
25 Q. Could something out on a winch

64

01 have caused the dolly to come off
02 track and be cocked or something?
03 A. Not to my knowledge. I don't
04 know that system.
05 Q. I've got one more question
06 here or two.
07 A. Yes, sir.
08 Q. Did Pat Callaway, when you
09 talked --- when he mentioned this to
10 you, was there smoke at the storage
11 unit --- did he tell you if there was
12 smoke at the storage unit when he
13 arrived?
14 A. No, sir. Not to my --- I

15 can't recall actually our
16 conversation.
17 Q. Do you remember anything else
18 that Bryan Cabell talked about that
19 fire or any of the things he did?
20 What detail did he go into?
21 A. No, he just --- he just said
22 that that's --- I asked him what
23 happened. And I mean, at that time
24 he was --- I don't know what term to
25 use. He was pretty tore up about the

65

01 incident and --- as we all were, and
02 he didn't go into detail. He just
03 said that's generally what happened.
04 Q. Did he explain to you how he
05 tried to fight the fire ---
06 A. No, sir.
07 Q. --- or what means he used?
08 A. No, sir. I didn't ask.
09 Q. Did he mention anything about
10 using a fire extinguisher or a fire
11 hose or ---
12 A. He didn't say.
13 Q. --- water hose, anything ---?
14 A. I just asked him where did it
15 happen, I think is maybe the term
16 that I used, and he told me where it

17 happened.

18 Q. And refresh my memory. I know
19 you probably said, but where did he
20 exactly tell you the fire started?

21 A. In the winch at the carriage
22 unit.

23 Q. In the winch at the carriage
24 unit. Now, ---.

25 A. I think is the term he used.

66

01 I'm not a hundred percent sure, but
02 that's ---.

03 Q. Which component are you
04 referring to as the carriage unit?
05 Is this one of these individual
06 drop-off rollers or is he talking
07 about the movable carriage --- that I
08 call a movable carriage with the
09 three rollers where the belt goes ---
10 lays back and forth around it?

11 A. That's what I would call it.

12 Q. Is that what you're calling a
13 carriage unit?

14 A. I mean, that's what I would
15 --- yes, sir.

16 Q. Sometimes those terms are
17 intermingled ---

18 A. Sure.

19 Q. --- and I want to make sure we

20 were straight on ---

21 A. Yes, sir.

22 Q. --- what we were talking

23 about. So you're saying that ---?

24 A. That's what I would have ---

25 I'm not saying that's what he would

67

01 --- that's what I took it as.

02 Q. That's what you took it to

03 mean?

04 A. Right.

05 Q. Or that's what your

06 understanding is ---

07 A. Yes, sir.

08 Q. --- of the component he was

09 talking about anyway?

10 A. Yes, sir.

11 Q. Have you talked to anyone else

12 about the fire?

13 A. Everyone. I mean, just

14 co-workers, I mean, as far as we've

15 discussed, you know, --- I mean,

16 everybody talked about it.

17 Q. And what else did you hear? I

18 mean, was there anything that sticks

19 out in your mind?

20 A. No.

21 Q. Were you interviewed by the

22 company about the fire?

23 A. Yes.

24 Q. Who inter ---?

25 A. Just --- not a formal --- no

68

01 type of formal interview, but just

02 discussions about it.

03 Q. Who has discussed it with you?

04 A. Mr. Hardy. But we just talked

05 about it. It wasn't a ---.

06 Q. Okay. I'm talking --- I was

07 referring to the mine management, you

08 know, the people at the mine, the

09 mine superintendent?

10 A. No.

11 Q. Foremen?

12 A. No, sir.

13 Q. Hardy is the only one that

14 talked to you about it?

15 A. Yes.

16 Q. What did you discuss with him

17 about it?

18 A. Why I'm here. I guess he was

19 interested in why I was being called.

20 But as far as the company or the ---

21 you know, he don't --- there's

22 nothing to do with that. But it's

23 just he was wondering why I was

24 called.

25 Q. Okay.

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01 A. And that was the only reason I
02 could think of, is because I went
03 there that day.

04 Q. I was going to ask you what
05 you thought ---.

06 A. That's why I ---.

07 Q. I figured you was going ---.

08 A. I saw you trying.

09 Q. Do you have an opinion on how
10 this accident could have been
11 avoided?

12 A. No.

13 Q. Is there anything else you'd
14 like to tell us regarding what
15 happened the day of the accident or
16 anything --- the events of that day,
17 you know, before the accident, that
18 anything stuck out in your mind that
19 was unusual or happened or ---?

20 A. No, sir.

21 Q. Did you work on the 18th, the
22 day before the accident?

23 A. I'm sure --- I'm almost a
24 hundred percent sure that I did.

25 Q. Was there a problem with the

70

01 ventilation on the longwall face on
02 the 18th, the day before, ---
03 A. Not that I recall. Honestly,
04 I don't ---.
05 Q. --- where the air would have
06 reversed on the face or something?
07 A. I don't recall.
08 Q. You don't remember anything?
09 A. Right. I don't recall that
10 --- you know, that statement being
11 made, but I'm ---.
12 Q. So you weren't aware of any
13 problems?
14 A. They wouldn't tell me. In my
15 job, I don't --- I deal with the flow
16 of electricity instead of the flow of
17 the air, you know what I'm saying?
18 So I don't ---.
19 Q. Okay.
20 MR. STAHLHUT:
21 Do you have any further
22 questions, Bill? We'll take a
23 break.
24 SHORT BREAK TAKEN
25 MR. STAHLHUT:

01 Back on the record.
02 BY MR. STAHLHUT:
03 Q. One last question here. Do

04 you remember hearing of a fire on the
05 23rd of December on the longwall
06 drive? Do you remember any ---?
07 A. Longwall drive?
08 Q. Yes, the longwall --- the
09 mother drive area?
10 A. No.
11 Q. What about on the 29th, in the
12 outby area?
13 A. That's the only time I've ever
14 heard of a fire underground at all at
15 that mine.
16 Q. On the 29th?
17 A. No. I've never ---.
18 Q. You mean the day of the fire?
19 A. Right. On the 19th of January
20 is the only time I ever heard of
21 anything.
22 Q. While you've been on the
23 longwall, have you ever seen the CO
24 alarm go off on a section or aware of
25 the CO alarm going off on a section?

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01 A. Absolutely.
02 Q. When do you remember that
03 happening?
04 A. Probably a few years back. I
05 was working the hoot-owl shift and we

06 were cutting and welding, and it went
07 off. And they hollered and said, why
08 did it go off? And I said, well,
09 probably where we're cutting and
10 welding.

11 Q. Now, was this on the ninth
12 east headgate panel?

13 A. No. This was at Justice.

14 Q. Okay. At another mine. Okay.

15 A. You said ever. I've got to go
16 with ever. I ain't lying about
17 nothing, so ---.

18 Q. All right. We'll narrow it
19 down then. On the ninth east
20 headgate longwall. Because I guess I
21 was thinking with the air ---

22 A. Sure.

23 Q. --- the way the air come in on
24 the belt ---

25 A. Sure.

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01 Q. --- and everything, how would
02 you get it backed up to the CO sensor
03 out there on that belt, unless you
04 were outby cutting? I understand.

05 A. Well, we have a CO system at
06 the headgate.

07 Q. Right.

08 A. The longwall has a CO system

09 right there at the gate box.
10 Q. Right.
11 A. So that would have been why,
12 at that time.
13 Q. Yeah. But the current face
14 right now, would that be possible if
15 say you were cutting ---?
16 A. Absolutely.
17 Q. On the Number Ten shield?
18 A. No. At Number Ten, no,
19 because the air goes down the face.
20 Q. Right. That's what I was
21 trying to tell you, was ---.
22 A. Yes, sir. Absolutely.
23 Q. You'd have to be near or outby
24 that sensor, ---
25 A. At the tailpiece, yes.

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01 Q. --- outby the direction of the
02 airflow; is that correct?
03 A. Yes, sir.
04 MR. STAHLHUT:
05 Okay.
06 BY MR. TUCKER:
07 Q. We was talking about the CO
08 alarms. Have you ever worked on ---
09 are you familiar with the system, the
10 CO monitoring system?

11 A. Very little. Very ---.
12 Q. Have you ever worked on it?
13 A. Very little. I've been told
14 to take this box and --- the one that
15 you all had behind the gate box was
16 crushed. Put this one in and address
17 it to whatever address it is. As far
18 as, you know, the computer and all
19 that, I have no knowledge about ---.
20 Q. Okay.
21 A. I can change wire for wire and
22 address it, but that's all.
23 MR. TUCKER:
24 That's all I have.
25 Thank you.

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01 MR. STAHLHUT:
02 Is there anything else
03 you would like to tell us
04 regarding what happened the
05 day of the accident?
06 A. No, sir.
07 ATTORNEY STAHLHUT:
08 Mr. Hardy, have you got
09 any clarifying comments?
10 ATTORNEY HARDY:
11 No. Thank you.
12 ATTORNEY STAHLHUT:
13 Okay. On behalf of

14 MSHA, I'd like to thank you
15 for appearing here today and
16 answering our questions and
17 sharing your information about
18 the mine. Your cooperation is
19 very important to us as we
20 work to determine the cause of
21 the accident. If you wish,
22 you may now go over any answer
23 that you have given us during
24 the interview and you may also
25 make a closing statement,

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01 covering any additional points
02 you believe could be raised.

03 A. No.

04 MR. STAHLHUT:

05 We ask that you not
06 discuss your interview today
07 with any person who may have
08 already been interviewed or
09 who may be asked to give a
10 statement in the future. This
11 will ensure that we obtain
12 everyone's independent memory
13 of the events surrounding the
14 accident.

15 After questioning other

16 witnesses and obtaining
17 additional information, we may
18 be asking you back for further
19 questions. If, at some later
20 point, you have additional
21 information regarding the
22 accident that you would like
23 to provide us, please contact
24 the team leader, Mr. Kenny
25 Murray. He's not here today,

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01 but here's his card and
02 contact number. And also his
03 staff assistant, and you know
04 Anthony Webb, who's sitting
05 behind you there. And you can
06 contact them.

07 The Mine Act provides
08 certain protection for
09 individuals who participate in
10 accident investigations. If
11 at any time you believe that
12 you have been treated unfairly
13 because of your cooperation in
14 this investigation, please
15 immediately contact Mr. Murray
16 or Mr. Webb. And I want to
17 thank you again for your help.
18 Bill's got a statement.

19 MR. TUCKER:
20 I'd like to also thank
21 you, Chad, for coming in today
22 on behalf of Miners' Health,
23 Safety & Training. We
24 appreciate your time. And the
25 State also offers similar

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01 protection against
02 discrimination against miners.
03 There's my card if you need to
04 contact me. And this is C.A.
05 Phillips' card. He's our
06 Deputy Director out of our
07 Charleston office.

08 * * * * *

09 EXAMINATION CONCLUDED AT 3:52 P.M.

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