

01                   STATEMENT UNDER OATH  
02                               OF  
03                   CARL R. WHITE  
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 the Department of  
10    Environmental Protection, 1101 George  
11    Kostas Drive, Logan, West Virginia,  
12    on Monday, March 6, 2006, at 3:04  
13    p.m.

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01 A P P E A R A N C E S (cont'd)  
02  
03 ALSO PRESENT:  
04 RONALD W. STAHLHUT  
05 C.A. PHILLIPS  
06 EUGENE WHITE

07 BETH SPENCE  
08 DENNIS BEITER  
09 CHARLES POGUE  
10 ANTHONY BURKE  
11 MIKE FINNIE  
12 DERRICK TJERNLUND  
13 STEVE COX  
14  
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01                   P R O C E E D I N G S

02 -----

03           MR. FRANCCART:

04           My name is Bill  
05   Francart, and I represent the  
06   Mine Safety & 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. Here  
24 with me today are other  
25 members of MSHA's team and the

8

01 State's team. The MSHA team  
02 includes various specialists  
03 and members of the Solicitor's  
04 office from Arlington,  
05 Virginia. At this time, I'd  
06 like to ask each of the  
07 members of MSHA's team to  
08 identify themselves for the  
09 record. We'll start with  
10 Keith.

11 MR. BELL

12 My name is Keith Bell.  
13 I'm from the Solicitor's  
14 Office.

15 MR. WEBB:

16 I'm Anthony Webb, MSHA

17 in Pikeville, Kentucky.

18 MR. STAHLHUT:

19 Ron Stahlhut, MSHA,

20 Vincennes, Indiana.

21 MR. FINNIE:

22 Mike Finnie, MSHA,

23 Madisonville, Kentucky.

24 MR. BEITER:

25 Denny Beiter, MSHA Tech

9

01 Support, Triadelphia.

02 MR. TJERNLUND:

03 Derrick Tjernlund, MSHA

04 Tech Support, Triadelphia.

05 MR. BURKE:

06 Tony Burke, MSHA,

07 Whitesburg, Kentucky.

08 MR. FRANCCART:

09 Now, I'm out of the

10 Pittsburgh Technical Support

11 Office also. Also here today,

12 representing the State of West

13 Virginia, Mr. Bill Tucker.

14 Mr. Tucker will be asking the

15 questions for the State. And

16 at this time, I'll ask Mr.

17 Tucker to provide his opening

18 statement.

19 MR. TUCKER:



20           The West Virginia  
21   Office of Miners' Health,  
22   Safety & Training is  
23   conducting this interview  
24   session jointly with MSHA, and  
25   we are in agreement with the

10

01   procedures outlined by Mr.  
02   Francart.

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

12   Again, my name is Bill Tucker,  
13   and I work out of the Oak Hill  
14   office for Miners' Health,  
15   Safety & Training.

16           MR. PHILLIPS:

17           How are you doing,  
18   Carl? My name is C.A.  
19   Phillips. I'm the Deputy  
20   Director with the Office of  
21   Miners' Health, Safety &

22 Training, in Charleston, West  
23 Virginia.

24 MR. COX:

25 Steve Cox, out of

11

01 Region Three.

02 MR. WHITE:

03 Eugene White, District  
04 Inspector out of Region Three.

05 MS. SPENCE:

06 Beth Spence, with the  
07 Governor's office.

08 MR. FRANCAERT:

09 This investigation is  
10 being conducted by MSHA and  
11 the State of West Virginia to  
12 gather information to  
13 determine the cause of the  
14 accident and to help prevent  
15 this from happening in the  
16 future. These interviews are  
17 a very important part of the  
18 investigation.

19 At this time, we've had  
20 two more members of the MSHA  
21 investigation team come into  
22 the room. If you could  
23 identify yourselves, please,  
24 for the record?

25 MR. POGUE:

12

01 Charlie Pogue, MSHA,  
02 Hunker, Pennsylvania.

03 MR. MURRAY:

04 Kenny Murray,  
05 Pikeville, Kentucky.

06 MR. FRANCAERT:

07 Mr. Murray is our chief  
08 investigator representing  
09 MSHA. After the investigation  
10 is completed, MSHA will issue  
11 a written report detailing the  
12 nature and causes of the  
13 accident. MSHA accident  
14 reports are made available to  
15 the public in the hope that  
16 those reports can make greater  
17 awareness about the causes of  
18 accidents and we can reduce  
19 their occurrence in the  
20 future. Information obtained  
21 through witness interviews is  
22 frequently included in these  
23 reports. Your statement may  
24 be also used in other  
25 enforcement proceedings.

13

01 I would like to thank  
02 you in advance for your  
03 appearance here today. We  
04 appreciate your assistance in  
05 the investigation and we  
06 appreciate your willingness to  
07 come in and talk to us. Your  
08 assistance is critical to our  
09 success, as is the operator's  
10 success, in making the  
11 nation's mines safer.

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

14

01 Stollings, West Virginia,  
02 25646. This interview is  
03 being conducted at the

04 Department of Environmental  
05 Protection office in Logan,  
06 West Virginia, on March 6th,  
07 2006, and the current time is  
08 3:08.

09 Mr. White, the  
10 interview will begin by asking  
11 you a series of questions.  
12 Feel free at any time to  
13 clarify any statements you  
14 make in response to these  
15 questions. After we finish  
16 asking the questions, we will  
17 give you an opportunity to  
18 make a statement of your own  
19 and provide us with any other  
20 information that you believe  
21 may be important to the  
22 investigation. You are  
23 permitted to have a  
24 representative with you during  
25 the interview, and you may

15

01 consult with your  
02 representative at any time.  
03 You may designate any person  
04 to be your representative.  
05 Following the questions by

06 MSHA and the State, this  
07 representative will be given  
08 the opportunity to ask  
09 questions for the purposes of  
10 clarification on areas that we  
11 discuss.

12 Your statement is  
13 completely voluntary. You may  
14 refuse to answer any question  
15 and you may end your interview  
16 at any time. If you do not  
17 understand a question that I  
18 ask you or Mr. Tucker asks  
19 you, please let me know or Mr.  
20 Tucker know, and we'll try to  
21 rephrase that to make it  
22 clearer for you. If you need  
23 a break for any reason, let us  
24 know and we'll take a break.  
25 Okay?

16

01 You may request the  
02 opportunity to make a  
03 confidential statement which  
04 we will withhold from the  
05 public to the extent allowed  
06 by law. Should you desire to  
07 give a confidential statement,  
08 you should advise me before I

09 begin your interview so that  
10 we can reschedule your  
11 interview in order to properly  
12 consider your request.

13 We have a court  
14 reporter here today, and she  
15 will be producing a written  
16 transcript of the interview  
17 for us. I ask that you state  
18 all your answers clearly and  
19 verbally because she cannot  
20 record gestures, such as  
21 nodding your head yes or no.  
22 Okay?

23 MR. WHITE:

24 Yes.

25 MR. FRANCCART:

17

01 Speak out. If any part  
02 of your statement is not based  
03 on your own first-hand  
04 knowledge but on information  
05 you have learned from someone  
06 else, please let us know.  
07 Please answer each question as  
08 fully as you can, including  
09 any information you learned  
10 from somebody else. We may

11 not ask the right questions to  
12 learn all the information that  
13 you have, so don't feel  
14 limited by the questions that  
15 we ask. If you have  
16 information about a subject  
17 area of a question, please  
18 volunteer that to us.

19 Do you have any  
20 questions about the manner in  
21 which this interview will be  
22 conducted?

23 MR. WHITE:

24 No, sir.

25 MR. FRANCCART:

18

01 We'll ask now the court  
02 reporter to administer the  
03 oath.

04 -----  
05 CARL R. WHITE, HAVING FIRST BEEN DULY  
06 SWORN, TESTIFIED AS FOLLOWS:

07 -----  
08 BY MR. FRANCCART:

09 Q. Mr. White, can you please  
10 state your full name, address and  
11 telephone number for the record?

12 A. My name is Carl R. White.

13 



[REDACTED]

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

20 A. White, W-H-I-T-E.

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

23 A. Yes.

24 Q. Has anyone made any promises  
25 to you for giving this statement or

19

01 offered you any rewards in exchange  
02 for making your statement?

03 A. No.

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

07 A. No.

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

11 A. Yes.

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

14 A. Yes, Mr. Dave Hardy.

15 Q. Okay. Have you been made

16 aware that Mr. Hardy is also  
17 representing the company in this  
18 matter and that there's a potential  
19 for a conflict of interest to arise  
20 between yourself and the company?

21 A. Yes.

22 Q. Do you want to proceed with  
23 Mr. Hardy as your representative?

24 A. Yes.

25 Q. May I call you Carl?

20

01 A. Yes, go ahead.

02 Q. Thank you. Carl, how long  
03 have you worked at Aracoma Alma Mine  
04 Number One?

05 A. Approximately a year and seven  
06 months.

07 Q. And what is your job  
08 classification?

09 A. I'm a belt examiner.

10 Q. That was your classification  
11 on the 19th of January?

12 A. Yes, sir.

13 Q. And how long have you had that  
14 position at the mine?

15 A. Since I've been there,  
16 approximately 19 months.

17 Q. Are you considered to be a  
18 member of management at the mine?

19 A. No.

20 Q. You don't supervise anybody?

21 A. No.

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

24 A. No.

25 Q. How many total years of mining

21

01 experience do you have?

02 A. I have ten years on a  
03 preparation plant. Then I have  
04 approximately ten years underground.

05 Q. What other mines have you  
06 worked in?

07 A. I've worked for Pittston Coal  
08 Company.

09 Q. And that's located in this  
10 area?

11 A. Well, when I worked for them,  
12 they was working out of Kentucky.  
13 They had mines over there, they  
14 called Media (phonetic), which I  
15 worked in seven years. And then I  
16 left there and went to work for Elk  
17 Run Coal Company, which is Massey.

18 Q. We're going to take you back  
19 to the day of January 19th, if you  
20 don't mind. And if you can tell us

21 what shift you were scheduled for to  
22 work that day?

23 A. Yes. I worked that day on day  
24 shift, from 6:30 to four o'clock.

25 Q. What time did you get to the

22

01 mine that day?

02 A. I'm going to tell you my story  
03 of how I got into the mines first. I  
04 went into the mines at 6:30 on a  
05 diesel mantrip. We got to  
06 approximately what they call Number  
07 One Fourway and the diesel ride got  
08 stopped. I mean, it just got stopped  
09 in the mud and couldn't proceed. So  
10 me being the belt examiner, I said,  
11 man, I got to get off and walk  
12 because I got to run and check these  
13 belts. So I get off the trip, and I  
14 proceeded to walk ten breaks to what  
15 they call belt head Number Six. So I  
16 was assigned to belt head Number Six  
17 and belt head Number Seven.

18 So I said, well, since I'm  
19 walking, I'm going to just stop and  
20 service the Six head. I proceeded to  
21 clean and grease. And as I was doing  
22 this, I was called on the mine phone,  
23 says, Carl, you got to get up to the

24 mother drive. It won't start. I  
25 said, well, it's going to take me

23

01 approximately 20 minutes to walk up  
02 there, but I'm on my way. So I left  
03 there and I went up to the mother  
04 drive and got there approximately  
05 7:30. And the winch unit, the  
06 breaker had knocked. This is the  
07 storage unit that stores the belt for  
08 the longwall. And I proceeded to  
09 check it out and see what the problem  
10 was. And the problem was the winch  
11 box, the breaker had knocked on it,  
12 so I had to go put the breaker in and  
13 start the belt. Then I proceeded to  
14 getting the belt started. That was  
15 around 7:30. Then I just stayed  
16 there. Since I was there, I just  
17 stayed there, you know. And I  
18 proceeded to work there all day to  
19 3:30.

20 Q. So you worked the mother drive  
21 area the whole day?

22 A. Yes, sir.

23 Q. And what time did you leave  
24 the mother drive area?

25 A. 3:30.

01 Q. 3:30, okay. So that was your  
02 assignment for that day, just to work  
03 the mother drive?

04 A. Well, my assignment --- like  
05 I'm assigned Six head, Seven head.  
06 But because of the problem, it didn't  
07 start, I went up --- the assignment  
08 was Bryan Cabell, and Bryan was  
09 assigned to mother drive, to take  
10 care of it and grease, clean and any  
11 other problems that they have to  
12 correct. And I went up there to  
13 start it, and the reason I stayed,  
14 we've been having problems with the  
15 rock box, because there've been some  
16 flat rocks coming up the belt, and  
17 those flat rocks sometimes would get  
18 lodged in the rock box. And if they  
19 get too many in there, it would just  
20 overflow and could have possibly, you  
21 know, been a hazard. But since I  
22 knew those flat rocks would get  
23 stuck, I stayed there and watched  
24 them mainly, you know. That was my  
25 objective, to stay there, not going

01 back down to Six head and continue  
02 greasing. I said, well, since I'm up

03 here, I'm going to go ahead and take  
04 care of what I know to take care of,  
05 and that's the rock box.

06 Previously, a man was working  
07 up there and evidently he didn't  
08 watch the box good enough and they  
09 had --- the rock box filled up with  
10 rock and they was down 90 minutes to  
11 clean the rock box out. So I said, I  
12 don't want this happening to me, so  
13 since I'm up here I'm just going to  
14 make sure everything is all right.

15 And when the flat rock would  
16 come over, I had me a special tool  
17 that I made out of a piece of --- a  
18 structure that you build with to put  
19 in concrete. It's a hook like, and I  
20 made it at my house. And I'd take  
21 that and when a flat rock got in  
22 there, I'd put it over --- it was  
23 like a cane, like a walking cane.  
24 I'd lift it over and I'd pull this  
25 way, and I'd pull all the flat rocks

26

01 off the rock box to keep it from  
02 jamming up.

03 And I practically moved  
04 probably 15 rocks that day. And

05 that's why I proceeded to stay there  
06 because since I'm here, I know  
07 whatever problem with this rock box,  
08 you know, flat rocks coming over,  
09 gobbing it out, so that's why I  
10 proceeded to stay.

11 Q. How often do you work in that  
12 area of the mine?

13 A. Well, I had just been moved up  
14 there approximately four to five  
15 weeks. I was working down Rum Creek  
16 side, and they just shift you around  
17 from place to place. And I've worked  
18 in every area of the mines concerning  
19 the belts. I've walked from one end  
20 of the mines to the other, fire  
21 bossing belts. So they just put me  
22 up to the --- what you call the  
23 mother drive.

24 And the man that was on the  
25 mother drive, they put him down Rum

27

01 Creek. And they're always switching,  
02 you know, going here and going there.

03 And so I was up there approximately,  
04 like I said, around five weeks or so  
05 like that, a little over a month.

06 Q. So the last shift that you had  
07 worked there was day shift on the



08 18th?  
09 A. Yes. Well, the 19th. On the  
10 day of the accident, I worked on the  
11 day shift. That Tuesday, I worked  
12 second shift. Then that Monday, I  
13 wasn't even around. When I worked  
14 there Tuesday, everything was  
15 perfect. I mean, there was no ---  
16 nothing whatsoever to be hazardous,  
17 you know. So I worked there Tuesday  
18 night. And the boss called me, said,  
19 I want you to take off a little early  
20 tonight because you got to come in in  
21 the morning. So on the 18th, I  
22 worked up there and stayed up the  
23 mother drive until about 11 o'clock,  
24 because I walked out about 12:00.  
25 And I stayed up there and I walked

28

01 out, because I didn't have no  
02 transportation. I do all the --- I  
03 don't have no ride or anything, I  
04 walk.

05 So I walked out of the mines,  
06 and he says, you got to come back in  
07 in the morning, which was the 19th.  
08 So I was back there that morning of  
09 the 19th, when all this problem

10 started, you know. So I had worked  
11 practically 19 hours with probably  
12 about --- I'd say rest, three to four  
13 hours' rest. It wasn't sleep because  
14 you get home and getting to bed at  
15 one o'clock and having to jump back  
16 up about 4:30, you know, make your  
17 way back to the mines.

18 Q. Not much sleep that night?

19 A. No.

20 Q. Is that common to have that  
21 happen?

22 A. No. That was a very rare  
23 situation. But if they hadn't have  
24 changed me that day --- see, I was  
25 working second shift that week. We

29

01 was working on a swing shift, like  
02 one week we may work second shift,  
03 and then the next week we'll work day  
04 shift. So I had worked second shift  
05 that night, and that was my shift to  
06 work. But when I came in on day  
07 shift, I left at 3:30. But if that  
08 had been my regular shift, that  
09 second shift, I would have been there  
10 with the fire, I would have been  
11 there, because it happened at 5:30,  
12 6:00, and like I say, I was home,

13 laying on the couch when it happened.

14 My aunt called me and says,  
15 oh, man, I'm so glad to hear your  
16 voice. I said, what's wrong. She  
17 said, your mines --- I says, my mines  
18 can't be on fire. I thought about  
19 the gas, you know, and I said, well,  
20 we don't have a gaseous mines, you  
21 know, hardly ever have any problem  
22 with methane or anything. I said,  
23 no, it can't be. You have to have  
24 another mines, you know. She said,  
25 no, it's right down that road where

30

01 you work at.

02 Then I turned on the news and  
03 started hearing the news and belt  
04 fire --- I said, belt fire? I said,  
05 belts can't even burn, you know. You  
06 know, I've been a belt examiner ---  
07 and this is the only mines I've ever  
08 been a belt examiner in, 19 months.  
09 And I was under the --- what's the,  
10 consumption (sic), that hey, these  
11 belts don't burn, you know. I've  
12 always thought they was fireproof.  
13 Of course, I never seen one burn.  
14 But now they tell me it burned, so

15 ---. And see, I was always --- I  
16 just came from Performance Coal, and  
17 out there I was an outby man, did  
18 brattices and rails and just utility  
19 work, really.

20 And Shane Adkins, he's an MSHA  
21 man right now, he was my boss, so ---  
22 one of the best bosses I've ever had  
23 since I've been in the mines, you  
24 know. But I was over there for 15  
25 months and I lived here in Logan, and

31

01 I said, I'm tired of this 70 miles a  
02 day drive, you know, there and back,  
03 which was approximately 140 miles.

04 And I said, how about letting me go  
05 to Aracoma, I said, I live there.

06 And the president said, well, Carl,  
07 if you live there, I don't have no  
08 objections to you. So that's how I  
09 got into Aracoma here in August of  
10 2004. But I like Aracoma. I like  
11 the job. I think it's the greatest  
12 place I've ever worked since I've  
13 been working in the mines. And I'm  
14 just sorry that this tragedy  
15 happened, you know.

16 Q. Why did they have you change  
17 shifts that day; did they tell you?

18 A. No. The only thing they told  
19 me is because short of men, just  
20 short of men. They said, Carl, we're  
21 going to have to use you on day shift  
22 tomorrow because we're short of men.  
23 So that's my boss, Jeff Perry, he was  
24 the mine foreman, my boss, whatever,  
25 you know. So that's why I had to

32

01 change, simply because of he said  
02 short of men. So I said, oh, my  
03 goodness, I got to walk out tonight  
04 and get right back in here in the  
05 morning. So that's the story there.

06 Q. Quick turnaround?

07 A. Yeah.

08 Q. You said you do examine belts.  
09 Do you do the pre-shift and on-shift  
10 and put records in the book, when you  
11 find hazards in the belt?

12 A. Yes. I tell it to the fire  
13 boss when you call your fire boss  
14 report out to the men outside coming  
15 in.

16 Q. Did anyone else examine the  
17 belts where you were assigned that  
18 day; do you know?

19 A. Well, Tom Adkins, he usually

20 checks them on third shift  
21 practically every night, you know,  
22 the third shift foreman. And Mark  
23 Keezer always checks the belts down  
24 at Rum Creek. And Tom always checks  
25 the belts of what we call the mother

33

01 drive up on the Two Section,  
02 whatever. But that day, you know, I  
03 had checked --- like I say, I stopped  
04 at Six head and Seven head, and there  
05 at the mother drive. And I worked  
06 that approximately --- say you fire  
07 boss from 12:00 to 2:30. Back on  
08 second shift, you fire boss from 8:00  
09 to about 10:30. I do greasing,  
10 shoveling and stuff like that until  
11 it comes time to walk your belts.

12 Q. You mentioned before there's a  
13 breaker on a winch that kicked?

14 A. Yes.

15 Q. Can you tell us exactly which  
16 box that was located in?

17 A. Yeah. That was what you call  
18 the winch box that took care of the  
19 storage unit.

20 Q. The control box of the winch?

21 A. Yes, sir.

22 Q. Do you know what color that

23 box was?

24 A. It was red.

25 Q. A red box?

34

01 A. Uh-huh (yes).

02 Q. Thank you. Have you ever been

03 told to pay special attention to

04 anything in the mother drive area

05 before?

06 A. No.

07 Q. When you came onto your shift,

08 was there somebody working the mother

09 drive area before you that you talked

10 to?

11 A. No, there was nobody there

12 when I went there that morning. And

13 when I got there, there was nobody

14 there.

15 Q. Does the longwall work

16 midnight shift?

17 A. Yeah.

18 Q. It does?

19 A. Yeah. They do maintenance,

20 you know, maintenance. They don't

21 run coal. They just do maintenance.

22 But when I got up there, there was

23 nobody there. That's how come I had

24 to go from Six head up to there to

25 get the breakers and all that

35

01 straightened up, to get the storage  
02 unit running, so the longwall could  
03 start up.

04 Q. Do you know if the winch  
05 breaker kicked any other time other  
06 than the time that you were called to  
07 fix that at 7:30?

08 A. That winch breaker that  
09 knocked off, say approximately about  
10 ten o'clock that morning, after I had  
11 put it in. And I looked at the  
12 computer and it says this thing is  
13 down because of chute discharge,  
14 gobbed out or something of that  
15 nature.

16 Then I was on the phone,  
17 talking to Don Haggie, which is the  
18 man that installed the storage unit,  
19 between him and a man called Shiner.  
20 He told me, he said, Carl, that's  
21 your land mines. He said, your land  
22 mines and your tilt switch has  
23 something on it. And I said, man,  
24 I've been here, you know, all  
25 morning, there ain't nothing on it

36

01 because I've been in the rock box all



02 morning. I said, I'll go check again  
03 just to make sure.

04 So I went there and checked my  
05 tilt switch again, and nothing was in  
06 the rock box, absolutely nothing.

07 And I looked down and checked the  
08 land mines and there was absolutely  
09 nothing there. And I thought, well,  
10 there's nothing wrong with the land  
11 mines. There's nothing wrong with  
12 the tilt switch, so what --- why is  
13 this breaker knocking when there's  
14 nothing wrong with it, so --- and so  
15 that's the experience I had with  
16 that. Even though it said rock box  
17 is gobbled out, the rock box was  
18 completely clean and the land mine  
19 was completely clean, and the tilt  
20 switch. There was nothing in the  
21 rock box, you know, that touched the  
22 tilt switch to make it go off. So  
23 why did this break --- why did it  
24 knock? I don't know.

25 Q. Do you know, did anyone with

37

01 any electrical background come down  
02 and check that circuit after you  
03 reported that breaker the second

04 time?  
05 A. Dusty Dotson came down, which  
06 is the mine foreman, and he was  
07 trying to get ahold of Jesse Jude.  
08 He just called on the phone, Jesse,  
09 we need you to come up here and check  
10 this out. We got a problem. The  
11 tilt switch and the land mines is  
12 causing it to break, but he said  
13 there's nothing wrong with the land  
14 mines, there's nothing wrong with the  
15 tilt switch. So we need you to come  
16 up here and check this out.

17 And Jesse, as far as I know, I  
18 didn't see him come, you know. I  
19 didn't --- I mean, he may have been  
20 somewhere else in the mines, maybe a  
21 mile away or wherever, maybe, you  
22 know, down on Rum Creek side, because  
23 he usually is all over the mines when  
24 you called for him. It may take him  
25 an hour to, if he does get there. So

38

01 that's the only thing I know. He was  
02 calling Jesse Jude to come up there  
03 and check it out, see why it was  
04 knocking.

05 Q. Do you have any idea how long  
06 the belt was down because of that

07 problem that morning?

08 A. Let's see, when that went off

09 --- well, that's --- I think that's

10 when --- well, that's when Dusty

11 Dotson come up there and he checked

12 it out, when he was calling Jesse.

13 And I don't know --- personally, I

14 don't know what happened. You know,

15 personally, I don't know because I

16 wasn't close to him, but he did do

17 something to get that belt running

18 again. I wasn't near him. I was

19 approximately up here and he was

20 approximately down here. And I know

21 he did something to get that belt

22 going again.

23 And I was trying to figure out

24 how long was it off when it knocked

25 like that. It might have been

39

01 minutes, you know, ten minutes,

02 something like that. Because when it

03 knocked, he was down to the, what you

04 call the haulage road coming in, down

05 where the doors are at, and he was

06 there coming in, going to Two

07 section.

08 And he come up there and said,

09 Carl, what's wrong with the belts,  
10 what's wrong with the belts. I said,  
11 well, they just went off. I said,  
12 they went off on the land mine and  
13 tilt switch, and then that's when  
14 they called Jesse Jude. And then the  
15 only thing I can say is what I saw.  
16 I saw him get into the box and the  
17 box started running again, whatever  
18 he did. So far as me telling you I  
19 saw him --- what I saw, I didn't see  
20 his hands. I didn't see anything  
21 that he did. That's how far I was  
22 away from him because I was over here  
23 and he was right here. Like here's  
24 the starter box, and I was up here,  
25 and he comes here and gets that

40

01 starter box and he turns the door  
02 that way.

03 All then I could see was the  
04 door, and he was inside of it. But  
05 that's the only thing I can tell you.  
06 I can't tell you, did he have a  
07 screwdriver, did he have a, you know,  
08 a wrench or a hammer, whatever, you  
09 know. I mean, I just couldn't tell  
10 you I saw anything. But that's when  
11 he said, call Jesse Jude in. And

12 Jesse Jude, evidently, wasn't close  
13 by, so here's production, you know,  
14 let's run some coal. I mean, I'm  
15 telling you the truth, okay. He  
16 said, let's run some coal. And so  
17 instead of waiting on Jesse, whatever  
18 he did --- now, he can tell you, if  
19 you ever talk to him --- maybe you've  
20 already talked to him. Maybe he's  
21 already told you what he did. But  
22 that's the only thing I can say. I'm  
23 here to tell you the truth.

24 I could say, hey, man, I don't  
25 know anything about that, but I was

41

01 there when it knocked and I was there  
02 when he came by and said, Carl,  
03 what's your problem. I said, the  
04 winch box is knocked. We can't run  
05 coal. And he said, well, let's get  
06 ahold of Jesse Jude. And so instead  
07 of waiting for Jesse maybe an hour or  
08 two, them belts would have been down  
09 that long, you know, so they just  
10 proceeded, whatever he did to get it  
11 going and to run coal.

12 Q. You said that Dusty opened the  
13 box. Was that the red box?

14 A. The starter box, yeah.  
15 Q. Is that the box he got into to  
16 work on?  
17 A. Yeah. That's a red box, too.  
18 Q. Is that the same box?  
19 A. No, sir.  
20 Q. It's not the same as the  
21 breaker?  
22 A. No, sir. No, the winch box  
23 --- you have three boxes there. You  
24 have the winch box here and the  
25 starter box here. And this box right

42

01 here, I know it plain as I know my  
02 own name. It's where another part of  
03 electricity comes into a box,  
04 splitter. It was a splitter right  
05 here. And so that's --- the splitter  
06 is a yellow box.  
07 Q. So the yellow box on the left  
08 side of the starter box is the one he  
09 got into?  
10 A. He got into the middle box.  
11 Q. The middle box?  
12 A. The starter box. The only  
13 thing I saw was the door open and  
14 --- because I was too far away. And  
15 if I was down there right beside of  
16 him, like Dave and I are or me and

17 you are, I could say, hey, I saw what  
18 he did. But I couldn't tell you. I  
19 couldn't tell what he --- that would  
20 be something that he'd have to tell  
21 you, you know.

22 Q. We understand that. At the  
23 end of your shift, did you discuss  
24 anything with Bryan Cabell as what  
25 happened during your shift?

43

01 A. Yes, sir, I did.

02 Q. What did you tell him?

03 A. I called Bryan and I told  
04 Bryan Cabell, I said, Bryan, you need  
05 to get up here, okay. I said, we're  
06 having problems here today. And I  
07 said, we've had problems with the  
08 winch knocking. And I said, Dusty  
09 was up here and he was supposed to  
10 got Jesse Jude to come up here and  
11 fix it. And he said, has the  
12 electrician got there yet. And I had  
13 to say, no, because I didn't see the  
14 electrician there, okay. And I told  
15 him, I said, I've seen some haze here  
16 today, and I said, you need to come  
17 up here quick. I said, are you going  
18 to walk in or ride in. And I said,

19 you need to come up here as soon as  
20 you can. And now the haze I saw, I  
21 saw --- I mean, it was such a small  
22 mist or something, and I thought it  
23 was the mother drive going down. I  
24 thought it was the motor, because the  
25 motors go (makes sound effect), make

44

01 a real --- and I noticed that for a  
02 couple days, you know, the mother  
03 drive motor. And I thought, I need  
04 to take this temperatures, you know.  
05 So four times I went around the  
06 storage unit and the mother drive  
07 four times checking the temperatures.  
08 All the bearings that I checked in  
09 the storage unit and up here was  
10 running in their 60s. And I checked  
11 the motor that I thought was burning  
12 up, you know, it had a 93 on it. And  
13 I thought, my goodness, is this motor  
14 going off. And I looked down at the  
15 storage unit, you know, and I said,  
16 well, it's awful clear down there.  
17 And then I'd go down to the storage  
18 unit, trying to find something, you  
19 know, that might be causing this  
20 haze, and I looked back up to the  
21 mother drive and I thought, my



22 goodness, it's clean down there. So  
23 I can't figure out, you know, where  
24 is this haze coming from.

25 It wasn't a smoke. It was

45

01 just like a mist or a fog or  
02 something like that. And it wasn't  
03 nothing that would turn the CO  
04 monitor off, which I've had an  
05 experience before, we'll probably get  
06 into that later, about a CO going off  
07 in a real fire. But this right here,  
08 you know, I couldn't figure out what  
09 it was or where it was coming from.

10 And I just told Bryan, I said,  
11 Bryan, you need to get up here, you  
12 know. And that was 3:30. And Bryan  
13 says, well, I'm five minutes away  
14 from you. He was at Seven head. He  
15 said, I'm approximately five minutes  
16 away from you. And I had done stayed  
17 there all night --- okay. By this  
18 time, the longwall had turned the  
19 belt off, okay.

20 They called me approximately  
21 3:25 and says, Carl, we're going to  
22 turn the longwall belt off for 20  
23 minutes, said we're going to do

24 something with the shearer. You  
25 know, whatever they did, that's ---

46

01 somebody else can answer that  
02 question because I don't know  
03 anything about stuff like that. But  
04 the only thing I know, they called me  
05 about 3:25 and says, Carl, we're  
06 going to turn the belts off for 20  
07 minutes. I said, well, I've been  
08 here practically 19 hours with  
09 approximately four hours' sleep, and  
10 I said, well, the man down at the  
11 longwall, which is the headgate man,  
12 told me they're going to be down 20  
13 minutes.

14 I said, well, I'm going to get  
15 ahold of Bryan because if you're  
16 going to be down 20 minutes, that  
17 means I don't have to walk out of the  
18 mines because I'm going to walk about  
19 ten breaks and catch me a ride  
20 because I just stayed here 19 hours,  
21 and I don't want to walk out again,  
22 you know.

23 So I proceeded --- the belts  
24 goes off for 20 minutes. Then all of  
25 a sudden, Bryan was on the phone. He

47

01 said, Carl, I hear what you're  
02 saying. I hear that the belt is  
03 going to be down 20 minutes. I said,  
04 now, Bryan, I said, I've been here  
05 quite a while, you know, and I said,  
06 I don't want to walk out of the mines  
07 and I want to go catch me a ride.  
08 And I said, how long will it take you  
09 to get here. I said, I'd like for  
10 you to be here, you know. He said,  
11 five minutes. He says, I'm down here  
12 at the mother --- I mean, down here  
13 at Seven head. And so they turned  
14 their belts off for 20 minutes. And  
15 I said, well, they're going to be off  
16 for 20 minutes. And I don't want to  
17 walk out, so I'm going to go ahead  
18 and walk down here and catch me a  
19 ride. And that's when I went home.

20 And I walked by the storage  
21 unit that day, and it was perfect. I  
22 mean, I'm --- I mean, there was  
23 nothing nowhere. There was no smoke,  
24 no haze. There was nothing. And the  
25 whole area was cleaned. And Mike

48

01 Plumley came by there with the second  
02 shift, the boys that had to come

03 through the smoke on the way back  
04 out. He came through there, and when  
05 he came through there he saw me and I  
06 opened the door for him, the man  
07 doors, as they proceeded onto the Two  
08 section.

09 And he was there. You know,  
10 if he'd saw anything, he'd say, Carl,  
11 what's going on, you know. My  
12 goodness, the whole place is smoked  
13 up. But he came through there and he  
14 and I spoke. The boys proceeded on  
15 the mantrip going to Two section.  
16 And that's how clear it was at 3:30,  
17 you know, when I was going off hill.  
18 Second shift had just come to work.

19 And what puzzled me, when I  
20 got home, my aunt called me at 5:30  
21 and says, oh, I'm so glad to hear  
22 your voice. I said, what's wrong.  
23 She said, your mines ---. I said, my  
24 mines can't be on fire, you know. I  
25 said, I just left there. And that's

49

01 when I told you a while ago when I  
02 got on --- started hearing the news  
03 and radio and all that stuff, that  
04 hey, Alma is on fire, you know. And  
05 that's where I first --- I said, my

06 goodness, I'm supposed to be working  
07 tonight. And if I was there --- hey,  
08 I could tell you a bunch of stuff  
09 right now if I was there. And I  
10 mean, I'm not going to be  
11 braggadocios or egotistical or  
12 something like that, but I --- I  
13 don't believe we got into this, about  
14 the fire that I did put out, you  
15 know. So if we want to get into that  
16 later, but ---.

17 Q. I'm sure we'll talk about that  
18 a little later, sure.

19 A. But to me, you know, it's just  
20 a sad situation. You know, I say,  
21 well, what if I was there, you know.  
22 Maybe I would have died. You know,  
23 maybe I would have panicked and said,  
24 I'm going to fight this thing until  
25 it kills me, you know, and just died

50

01 in the fire, you know. But that's  
02 something I got to live with, you  
03 know, that what if I was there, could  
04 I have put the fire out, would I have  
05 been another casualty, you know. So  
06 I'm here. I'm trying to tell you  
07 what I can to help you with, you

08 know, like I say, ---

09 Q. We appreciate it.

10 A. --- to help you find a reason  
11 why, where it came from, what caused  
12 it, you know, and just to help, you  
13 know, because I got to live with this  
14 the rest of my life. I was with a  
15 boy over at Performance Coal. He and  
16 I worked together, 27 years old. And  
17 I worked with him for two nights in a  
18 row, and on the third night they  
19 said, Ronny, you got to work by  
20 yourself because Carl is going to  
21 have to fire boss because the man is  
22 not in here tonight. So Ronny and I  
23 separated. So here I am over at  
24 Performance Coal, going up a track,  
25 fire bossing. They started

51

01 hollering, Carl, get off the track,  
02 Carl, get off the track. I said,  
03 what's wrong. They said, we got a  
04 man injured. And all of a sudden, it  
05 was Ronny Spurlock (phonetic). And  
06 he and I were real close, you know,  
07 at work. I helped him work on  
08 miners. I helped him, you know,  
09 obtain cable and stuff. It just so  
10 happened that third night they

11 separated us and, sad to say, you  
12 know, when he got into that hot  
13 stuff, you know, I probably would  
14 have died right there with him. We  
15 probably both would have just been  
16 burned up, you know. So that's  
17 another casualty that I live with  
18 every day, you know, that I --- I  
19 mean, I'm telling you right now, you  
20 know, because when something like  
21 this happens, it sticks to you, you  
22 know. I mean, it just don't go away.  
23 Like here at Aracoma, you know,  
24 that's --- I knew them two boys  
25 personally. I joked with them. I

52

01 kidded with them. I talked to them  
02 every day. And it just hurts, you  
03 know. So I'm just sad that the fire  
04 happened, and I thought, well, what  
05 if I could have been there, you know.  
06 What if I could have been there, you  
07 know? But I wasn't.  
08 So that's where this  
09 investigation is going to have to go  
10 to, you know, what --- who was there,  
11 what happened, you know, because at  
12 3:30 I don't know what happened. The

13 only thing I know, everything was  
14 beautiful when I left at 3:30. I was  
15 just tired. But as far as seeing  
16 anything, I never would have left if  
17 I saw anything. If I saw anything  
18 whatsoever, I would have said, hey,  
19 men, we got a problem here. But Mike  
20 Plumley and --- and of course,  
21 there's about 12 men --- the two of  
22 them are deceased now, but those ten  
23 that can be a witness and say, man,  
24 when we went through there, it was  
25 okay. Because you know if it was all

53

01 bad, they'd say, hey, man, no way are  
02 we going to proceed. We're going to  
03 stop right here and see what's going  
04 on.

05 Q. Sure.

06 A. But after 3:30, I do not know  
07 what happened. I can speculate, give  
08 you my opinion, but that doesn't  
09 solve anything, you know. I can tell  
10 you it's snowing outside, but if it's  
11 not snowing, I'm just speculating,  
12 you know.

13 Q. I understand.

14 A. The only thing I can say is I  
15 left there at 3:30. And if I was



16 working that night, like I'm telling  
17 you, I would have been there. I would  
18 have been there. And would I have  
19 put the fire out or would I have been  
20 killed --- I'm the type of person  
21 that when I get started doing  
22 something, I don't quit. And most  
23 likely, I either would have put the  
24 fire out or I would have dropped dead  
25 right there putting it out because

54

01 that's the kind of person I am.

02 Q. That's admirable. One  
03 question I had, you said you saw this  
04 haze. Did you smell anything  
05 associated with that haze?

06 A. Yeah. I thought it was ---  
07 like I say, I thought it was the  
08 motor. You know, it just smelled  
09 like --- you know, have you ever been  
10 around a hot motor or ---?

11 Q. Hot electrical?

12 A. Yeah. Just something like  
13 that, you know. And that's the only  
14 thing I could think of, you know,  
15 because it was the only one that was  
16 giving anything, like any heat or  
17 anything. Because the bearings now

18 --- now, this is what you say when  
19 you hear something, you know. And I  
20 heard this problem came from a  
21 bearing. And I know I checked that  
22 bearing just shortly before I left,  
23 and it was running in the 60s. This  
24 is what I hear. But I checked that  
25 bearing. It was running in the 60s,

55

01 real low. And that's very, very good  
02 for them bearings, you know. So  
03 that's my knowledge of just what  
04 hearing somebody say, because like  
05 I'm saying, I can't tell you what  
06 happened. But I heard somebody say,  
07 well, it's a bearing, and so I know  
08 that day I literally checked every  
09 bearing with a heat gun. So like I  
10 say, whatever happened, it happened  
11 from 3:30 to 5:30. And that's the  
12 only thing I know, you know. And the  
13 only person that can tell you is the  
14 man that was there, you know, should  
15 have been there. God only knows.  
16 That's just going to be up to him and  
17 whatever, you know, so ---.

18 Q. The bearing that you checked,  
19 was that the motor bearing?

20 A. In the storage unit, what I

21 heard. What I heard, it was the  
22 storage unit where it pulls back the  
23 belt, the carriage roller ---

24 Q. Okay.

25 A. --- that pulls back the belt.

56

01 You know, when you get what, about  
02 500 feet, and that storage unit keeps  
03 pulling it, pulling it, pulling it  
04 until it gets to the place where they  
05 have to, what you call rob the  
06 storage unit, then they rob it, and  
07 then it all goes back down a short  
08 distance. And I noticed one thing  
09 about that belt, it had a lot of belt  
10 in it.

11 And I questioned why didn't  
12 nobody rob that belt. I mean, it  
13 should have been robbed instead of  
14 letting it get like this. They said,  
15 well, the reason they didn't rob it,  
16 because they didn't have 500 feet on  
17 it. And I thought, what difference  
18 does that make whether it has ---  
19 they said, well, the longwall will  
20 just not rob it until it gets 500  
21 feet. But it was long, because I  
22 noticed that belt was what you'd call

23 full at the time. And I thought, why  
24 didn't they change, rob that belt.  
25 See, I'm just speculating right now,

57

01 see. But the only thing I can tell  
02 you is there's a lot of excessive  
03 belt in that storage unit that, to  
04 me, should have been robbed a day or  
05 two before that happened.

06 Q. And for the record, how would  
07 they rob the belt out of that storage  
08 unit?

09 A. Well, what they do, they come  
10 in right there between the mother  
11 drive and the storage unit and they  
12 proceed to take excess belt out of  
13 it. They bring excess belt out, say  
14 maybe 500 foot, and they lap it on a  
15 cart, onto a flat cart. Then say you  
16 got all that slack that you just  
17 mined down through the week, well,  
18 that gives the longwall an  
19 opportunity, hey, let's mine some  
20 more coal because you got to store  
21 that belt as the longwall proceeds  
22 cutting coal. So that's why they  
23 call it robbing the storage unit,  
24 which I don't know where that ever  
25 came from. But I know it was full.

01 I know it had about six rolls of  
02 belts. They come in layers. And  
03 that's my question, you know, why  
04 wasn't the storage unit robbed? Why  
05 wasn't all that excess belt taken out  
06 of there? See, I don't know.

07 Q. Were they leaving that much  
08 belt in there on a regular basis?

09 You were there for five weeks?

10 A. Yeah.

11 Q. You would have seen this occur  
12 before.

13 A. Yeah. Well, what it is, see,  
14 like I say, when that excess belt  
15 gets there, they remove it. Now, I  
16 was up there approximately five  
17 weeks, and out of that five weeks  
18 they may have removed that belt three  
19 times, you know. And every time they  
20 moved it, approximately 500 feet, you  
21 know, they'd say, okay, boys, we got  
22 to move this storage unit, because  
23 you're storing the belt in there that  
24 you're using, you know, because you  
25 just can't keep running that wall

01 without, you know, having that belt

02 cut out of it. So that's the only  
03 thing I can see, because I noticed,  
04 me, that day, I said, man, there's an  
05 awful lot of belt in the storage  
06 unit, you know. Why don't they rob  
07 --- why don't they take this excess  
08 belt out? And the man I talked to, I  
09 don't know who it was, but he said,  
10 Carl, they can't rob it until it's  
11 got 500 feet in it.

12 Q. Did he tell you why that was  
13 so?

14 A. He said, that's just the way  
15 the longwall works. If it had to  
16 have 500 feet in it, I know it had  
17 450 feet in it, because that's how  
18 much excess belt that they was  
19 storing in there.

20 Q. Was it more belt than they  
21 typically had stored there the other  
22 three times they changed?

23 A. No.

24 Q. The same amount?

25 A. Yeah, just --- yeah. And they

60

01 always let it go to about 500 feet,  
02 because that's their system of  
03 mining. You know, you got 500 feet  
04 then, and we all rob the storage

05 unit. Why, I don't know. Why can't  
06 you do it at 400 or 300 or 200, I  
07 don't know. I was told 500 feet.

08 Q. And the temperature on the  
09 drive now you said was about 95  
10 degrees; is that right?

11 A. Ninety-three (93).

12 Q. Ninety-three (93)?

13 A. Yeah.

14 Q. Did you have any other high  
15 temperatures that you took?

16 A. No. No. The bearings was  
17 excessive low. And I was really  
18 impressed with that because usually a  
19 bearing gets to maybe 80 or 70. Then  
20 when it starts getting up in the 90s,  
21 that's when you get concerned.

22 That's when I get concerned about  
23 them. But these belts here, they  
24 were exceptionally cool, what you say  
25 warm or none of them was hot.

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01 But that's the only thing I  
02 can say, you know. I checked them  
03 four times that day just looking,  
04 just looking. I said, now where is  
05 this haze coming from. And I act  
06 like a, you know, pure red hat up

07 there, going around and checking  
08 everything, you know. I mean, I  
09 checked motors. I checked anything  
10 that had to do with that system up  
11 there.

12 And I don't know if anybody  
13 has ever took a heating unit to a  
14 motor, you know. The heat gun is  
15 usually just for bearings, you know,  
16 I said, but I want to find out what's  
17 hot and what's not hot. And the  
18 highest reading I got was a 93, and  
19 that was on the electrical motor  
20 running to the mother drive, the  
21 drive roller, where it does --- you  
22 know, pulls your belt up the hill.  
23 That's the hottest thing I found that  
24 day was that motor.

25 And I thought it's going down.

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01 I said, man, this motor is going  
02 down. And that's my experience of,  
03 you know, trying to figure out where  
04 the haze is coming from.

05 Q. Did you notice any problems  
06 with the belt rubbing on structure  
07 during your shift?

08 A. Rubbing on a structure?

09 Q. Out of line, any alignment



10 problems?

11 A. You know, when I left --- like  
12 I say, when I left there at 3:30, I  
13 noticed that at 3:30 there was no  
14 rubbing, okay. I can say that  
15 because I seen it. Here's the  
16 storage unit right here. I walked  
17 right by it, went down here at the  
18 break --- right here at the bottom of  
19 the hill. That's probably --- they  
20 have numbers down there like 4026,  
21 just 4026. I come over here and got  
22 in the storage unit. But when I  
23 walked by that, I personally looked  
24 at that with my own eyes and I saw  
25 that it was not rubbing anything. I

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01 mean, I noticed that for a fact when  
02 I went down through there.

03 I mean, like I'm telling you,  
04 everything was just right when I  
05 walked by there. There was no haze.

06 There was no smoke. And I looked  
07 back up the mother drive, and it was  
08 clear. But I really noticed --- I  
09 can see it with my own vision right  
10 now, looking at it, when I went by.

11 Because I went by there, I wanted to

12 get my last look. I said, I  
13 definitely want to make sure since  
14 we've had problems here today. And  
15 when I went by there that day, I can  
16 honestly tell you the truth that I  
17 seen nothing wrong, and that's the  
18 absolute truth.

19 Q. So the problems you had that  
20 day were mainly just the flat rock in  
21 the rock box?

22 A. Yeah, the flat rock in the  
23 rock box knocking because of --- like  
24 I said, it came up on the computer  
25 the rock box is gobbled out. And then

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01 Don Haggie says, well, Carl, that's  
02 your land mines and your tilt switch.  
03 So we checked them out, and there's  
04 nothing wrong, absolutely nothing  
05 wrong. And so that's when Dusty  
06 proceeded into the starter box there  
07 and when they was waiting on Jesse  
08 Jude.

09 Q. Do you know Brandon Conley?

10 A. Yes, sir.

11 Q. Do you know that he had an  
12 experience on the mother drive on the  
13 23rd?

14 A. I heard about it, but I don't

15 know anything about it. I just heard  
16 of it. He's not told me any --- he  
17 never told me anything. He just ---.

18 Q. Didn't talk with him?

19 A. Yeah. He's just --- as a  
20 matter of fact, he's already quit and  
21 left the mines. I don't know what he  
22 saw or what he did or anything. In  
23 my personal experience, I've never  
24 seen anything wrong right there at  
25 the mother drive, my personal

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01 experience. And I've heard from him  
02 that there was a fire, but I mean  
03 --- I hate to criticize, talk about  
04 anybody, but I don't see if it was a  
05 fire, you know, what would he do.  
06 He's the type of guy, he was scared  
07 of his own shadow, you know, scared  
08 of the dark. And I mean, I just  
09 can't see him, you know, seeing the  
10 fire, you know, because to me, he  
11 would have burnt the whole mines up.  
12 I mean, I just --- I could see him  
13 running or anything if he saw a fire  
14 because he was just scared. And he  
15 left the mines as soon as this  
16 happened and he quit.

17 Q. When did you hear about that  
18 problem?

19 A. Well, when I heard about it on  
20 January 19th, when this fire broke  
21 out, then approximately within a  
22 week's time I was called by a radio  
23 station, Public Television in  
24 Charleston. They said, Mr. White,  
25 Brandon Conley just told us that

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01 there was a fire at the mother drive,  
02 he said this was the second time and  
03 said that you knew about it. I said,  
04 sir, I said, I have no idea what he's  
05 talking about, but I have never, ever  
06 seen a fire at the mother drive,  
07 never. Well, they said, well,  
08 Brandon Conley said to call you and  
09 you'd confirm it. I said, it's not  
10 true.

11 Now, here's the only  
12 experience that I had. And I didn't  
13 tell this TV man this. I just hung  
14 up because I said I'm not going to  
15 get into a debate with you or  
16 anything over any kind of fire or  
17 anything because I just talked to him  
18 about the mother drive fire. I said,  
19 hey, that's not, you know, true from

20 my experience. I don't know.

21 But the only thing I can  
22 relate to, happened about the same  
23 time, is the fire that we had down at  
24 Five belt. And I believe this is  
25 what he was talking about because he

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01 said, well, Carl had the fire. But  
02 my fire was at Five belt and not the  
03 mother drive. And I think this is  
04 where the confusion came from.

05 Because he said, well, we heard Carl  
06 had a fire and he said, well, Carl's,  
07 you know, at the mother drive. But  
08 as far as I'm concerned --- I mean,  
09 as far as I'm concerned, I've never  
10 seen the fire at the mother drive.

11 I've never seen the smoke that even  
12 set off the CO monitors. But I did  
13 have an experience at Five belt with  
14 a fire. And I didn't tell the TV men  
15 nothing. I said, buddy, I just don't  
16 want to talk to you, you know. I  
17 said, Brandon is a young miner and  
18 he's been in the mines about a year,  
19 and I just didn't want to talk to  
20 him. I just nicely hung up.

21 Q. That fire at the Five belt, do

22 you want to talk about that a little  
23 bit, how you learned about that fire?

24 A. Well, this is something that  
25 it could have been a real tragedy. I

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01 mean, it could have been a second  
02 mother drive, only this time it could  
03 have killed maybe 22 men instead of  
04 two. I was up to the mother drive as  
05 usual that day and the dispatcher,  
06 Mike Brown, called me up to the  
07 mother drive and says, Carl, the CO  
08 monitors are going off down on Five  
09 belt. I said, oh, my goodness, it's  
10 a bearing. There's a bearing going  
11 down on Four tailpiece. I said, I  
12 know where it's at and I know what's  
13 going on. It's a bearing. So Junior  
14 Robertson (sic) was there. He was on  
15 Two section. He was just a beltman,  
16 not a belt examiner, just what you  
17 say a beltman, you know, not  
18 certified or anything. And all of a  
19 sudden, he was with me and he  
20 proceeded to go with me. He said,  
21 well, I'm going to go with you. Now,  
22 I didn't object to it because it  
23 didn't do me no good to object  
24 anyway. I could have told him, you

25 stay here and you do your own job

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01 whatever, and it wouldn't have been  
02 no good, because he proceeded to go  
03 with me. He was too big for me to  
04 tell him, you know, go do something  
05 else. But anyway, he proceeded with  
06 me. And so we went from the mother  
07 drive down to Six head. And I  
08 thought it was the bearing. I said,  
09 okay, now here's the bearing because  
10 I've been around bearings, you know.

11 I mean, that's about the only thing  
12 I ever seen in the mines that could  
13 cause smoke or a fire or whatever,  
14 and I seen many of them get hot and  
15 turn red, blood red.

16 But anyway, we proceeded down  
17 to what you call Five tailpiece, Six  
18 head, looked at the rollers there ---  
19 I mean, the bearings. I said,  
20 they're not here, they're not there.  
21 I said, man, we got something bad  
22 somewhere because it was real smoky,  
23 but not enough to put our rescuers  
24 on. I'd say it was smoky, but not  
25 that bad, you know. So we proceeded

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01 down and we got one break down below  
02 Six head, which they call Number Two  
03 Fourway, and here's the belt right  
04 here going outside to the box cut and  
05 here's Number Two Fourway. And when  
06 we got right there, here was the  
07 fire, right on the rib. And thank  
08 God I didn't shut the belt off. I  
09 mean, to me, I have been taught ---  
10 you know, maybe it's wrong, don't  
11 turn the belts off, you know. Keep  
12 your belts running the week of  
13 production. So here's production,  
14 you know. But if you run into a  
15 roller that's real bad or something  
16 like that, where it is a hazardous  
17 --- you should stop the belt, you  
18 know, and take down the roller.  
19 That's happened before. I've  
20 proceeded to do that before. But  
21 this roller here, when we got there,  
22 you know, it was just hot. And then  
23 my buddy proceeded to take this  
24 roller down without turning the belt  
25 off because, you know, we didn't want

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01 to stop the belt because it had no  
02 hangers on it, and all we had to do  
03 is drop it down to the ground. But



04 down to the ground was the fire. You  
05 know, how that fire happened --- this  
06 is my speculation, that the bottom  
07 roller was hot and they've got grease  
08 in them. And to me, when this grease  
09 begin to drop down on the floor,  
10 well, there was rubber and coal and  
11 slate, whatever, it caught on fire  
12 because there was so much air in that  
13 way. There's all kinds of air in  
14 that way. And so we proceeded there  
15 and saw a fire approximately this  
16 wide, which is approximately, say,  
17 two and a half foot, then  
18 approximately about a foot high of  
19 flames burning. Okay. We proceeded  
20 to look for fire extinguishers and  
21 rock dust. So we put several fire  
22 extinguishers on it, and it didn't  
23 even put it out. Then Junior says,  
24 well, I'm going to go down to Number  
25 One Fourway and find a phone, because

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01 the phone because that was in there,  
02 closeness, was so much smoke that you  
03 couldn't sit there and use the phone  
04 of the smoke. So he had to go ten  
05 breaks and call Dave Meade to come up

06 there with some firefighting  
07 equipment, like some fire  
08 extinguishers.

09 So while he had proceeded to  
10 try the fire extinguishers, they  
11 didn't work. So while he was gone, I  
12 found some rock dust. Now, I got up  
13 under the belt and I put rock dust on  
14 the fire and put the fire out. The  
15 fire went completely out with rock  
16 dust.

17 Then Dave Meade came up and he  
18 said, let's just go ahead and hook up  
19 the water hose and then we drowned it  
20 real good. So I proceeded to go get  
21 two 100-foot water hoses to hook them  
22 up and brought them down, and we just  
23 sat there and absolutely just flooded  
24 the place until we got everything  
25 water soaked.

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01 And inside of this what you  
02 call little pit of dirt, rubber and  
03 coal and all that, inside of it was  
04 red ashes. So we put the rock dust  
05 on it, and the fire --- all they did  
06 was just extinguished the flame.  
07 Because I looked at my CO monitors,  
08 and one of them had gone down to 14,

09 then it went down to eight. And I  
10 said, man, it's got to come down to  
11 zero. We're going to have to get  
12 every bit of this stuff out of here.  
13 So that's when we used the water. So  
14 we proceeded down from 14 to eight to  
15 zero. So it was the water that  
16 really, really cleaned it up.

17 So that was my experience down  
18 on Five belt. And this --- I believe  
19 this with all my heart, that this is  
20 where they've mistakened this for the  
21 mother drive belt. It wasn't the  
22 mother drive, it was Five belt. See,  
23 when Brandon told the TV station to  
24 call me to confirm that that's the  
25 second fire at the mother drive, I

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01 said, sir, that's not the truth. I  
02 said, I have never seen fire at the  
03 mother drive. And I have never. And  
04 I didn't see this one. But I did see  
05 a fire at Five belt, and we proceeded  
06 to put it out. But what had happened  
07 if nobody would have caught that  
08 fire, you know, it would have been  
09 terrible than this one was because  
10 once they --- you know, any fire that

11 gets out of control, what are you  
12 going to do once it gets out of  
13 control? You either call a fire  
14 truck or call a fire --- I mean, you  
15 see fire trucks, thousands of them,  
16 hundreds of them trying to put out a  
17 fire. They said, buddy, we --- the  
18 whole thing is destroyed. I just  
19 thank the good Lord, you know, that  
20 we happened to be there and took  
21 about a half an hour walk and  
22 proceeded to put it out.

23 Q. About how much time did you  
24 spend putting the fire out after you  
25 first saw the fire?

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01 A. Okay, putting the fire out.  
02 How much time we spent putting the  
03 fire out? I noticed that we spent a  
04 half an hour. From the time we put  
05 the fire extinguishers on it, looked  
06 for rock dust and proceeded with  
07 taking the water hose, I know --- I  
08 was looking at my watch that day and  
09 I noticed 30 minutes had taken place.

10 Q. That was from the time you got  
11 to the fire ---?

12 A. Yes, sir. Until we finally  
13 got it extinguished was approximately

14 30 minutes.

15 Q. And you used fire  
16 extinguishers first. Why did you use  
17 those first?

18 A. Well, when it first happened,  
19 Junior says, hey, Carl, you got a  
20 fire extinguisher. I said, man, the  
21 only fire extinguisher I know of  
22 would be up at the Six head. I said,  
23 you're not going to find one down  
24 here in this area here because  
25 there's no reason for one to be

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01 there. I said, up at Six head you  
02 may find one. So that's where he  
03 went to get the fire extinguisher.  
04 But it didn't work, so he said, I'm  
05 going to call Dave Meade. That's  
06 when he walked ten breaks to go use  
07 the mine phone to call Dave Meade to  
08 bring in more fire extinguishers.  
09 But while he was doing that, I knew  
10 rock dust would help put out a fire,  
11 you know, so I proceeded to look for  
12 rock dust. And I went two or three  
13 breaks, trying to find some rock  
14 dust. And I found rock dust, and I  
15 proceeded to put rock dust on it, and

16 it did put out the flames.

17 Q. Is there some reason you  
18 didn't go for fire hose to start  
19 with?

20 A. Well, the reason we didn't,  
21 it's 200 feet away.

22 Q. How far did you have to go for  
23 the fire extinguishers?

24 A. Just about a break or so. You  
25 see, the Six head was right here and

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01 the fire was right here, so that's  
02 where your fire extinguisher  
03 permanently stays at. And the water  
04 hose is up here. Well, 200 feet,  
05 you're talking approximately two  
06 breaks, 100 foot centers are your  
07 breaks. So you're talking about ---  
08 well, we didn't use all the fire  
09 hose. Probably a break and a half.  
10 We didn't use all the 200-foot hose.  
11 We had plenty of hose left over. But  
12 anyway, that's --- I mean, that's  
13 what we did. You know, we proceeded  
14 with fire extinguishers and rock  
15 dust. And when I got the water hose,  
16 you know, we roll them up, you know,  
17 and keep them rolled up and  
18 everything. So I had to proceed to

19 unwind them, roll them out. Of  
20 course, it was easier rolling them  
21 out, because I just rolled them  
22 straight down the belt line, you  
23 know. And the sad part about it ---  
24 I'm going to tell this because it may  
25 help. The sad part about it, we got

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01 these water hoses in, and wherever  
02 they got them at did not make them  
03 strong because when I first hooked  
04 them two water hoses up, I turned the  
05 water on and, boof, it just blew the  
06 ends off of them. But me, see, I had  
07 water clamps. I had water clamps  
08 with me, and I just stuck one of my  
09 water clamps. And I said, well,  
10 thank God I got a water clamp, and I  
11 took that water clamp and put the  
12 belts back together again, and that's  
13 how we proceeded with the water.  
14 Now, if I didn't have no water clamp,  
15 here, the belts malfunctioned --- I  
16 mean, the water hoses malfunctioned.  
17 Q. Was it the fitting that didn't  
18 fit or ---?  
19 A. You know, the little band.  
20 You know, the little band that goes

21 on the water hose that puts the  
22 fitting on --- like the thread  
23 fitting and then the fitting that  
24 goes onto the nozzle? It's a little  
25 band. There's two of them. And when

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01 I turned the water on, the water  
02 hoses went boof and just blew  
03 apart. And I thought, my goodness.  
04 And I had water bands with me. And  
05 so I told them, I said, man, you all  
06 need to check these water hoses  
07 because, I said, they're too weak. I  
08 said, whoever put the band on them  
09 didn't put no strength into them, you  
10 know, just tightened them just enough  
11 to say he's tightened them. But when  
12 you're fighting a fire and you go get  
13 a water hose that won't hold water,  
14 you know, ---.

15 Q. Who did you report that to?

16 A. Jeff Perry.

17 Q. Jeff Perry.

18 A. Went up that same day and I  
19 said, Jeff, we had a fire in here  
20 today. He didn't say nothing.

21 Q. Was there anybody working inby  
22 where the fire was at that time?

23 A. No. No. We was



24 approximately, like I say, half an  
25 hour from the mother drive, and the

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01 next place was Three section, which  
02 was another half an hour or so.

03 Q. So the longwall on Two section  
04 were idle that day?

05 A. No, they were working.

06 Q. They were?

07 A. But they were just far from  
08 this area here.

09 Q. But they were inby the fire?

10 A. Yeah. Well, the fire was  
11 right here at Five belt and, well,  
12 Two section was up here, and the  
13 longwall was about straight over from  
14 it, in that area there. Because the  
15 longwall was just over in this next  
16 entry here because it was --- because  
17 we went up to this break through here  
18 to go into the longwall to come back  
19 down here. So the longwall was here,  
20 and you go up here to the top of the  
21 hill where the mother drive was in  
22 Two section was way down here.

23 They're getting ready to cut back  
24 here. So they was --- they was outby  
25 the fire. They was in --- you know,

01 outby and inby, you know. I know  
02 outby is going out, and inby is going  
03 in, but like I said, they was up  
04 here.

05 Q. Which way was the air moving  
06 on the belt?

07 A. The air was moving toward the  
08 face. I mean, it was coming from the  
09 box cut, coming towards the face.

10 And there was good air in that entry  
11 there, because I know the fire was  
12 getting a lot of air, and it caused  
13 it to burn.

14 Q. The smoke was going toward  
15 both the sections?

16 A. Yeah, right.

17 Q. And they were both working at  
18 that time?

19 A. Yeah.

20 Q. Do you think maybe it would  
21 have been a good idea to evacuate  
22 those people?

23 A. Well, this --- from when we  
24 first saw it, when we first saw it,  
25 the first instinct I had, that hey,

01 it's a small fire, you know. You  
02 know, I mean as far as fires go, you

03 know, we thought we could just get a  
04 fire extinguisher, go (makes sound  
05 effect), and it would go out. I  
06 mean, that's what your first instinct  
07 was, you know. Your first instinct  
08 was, hey, men, let's just put it out  
09 right now. And that's what we  
10 proceeded to do because it wasn't  
11 smoking that bad, because we were  
12 there. We were inside of it with no  
13 rescuers on. We didn't need  
14 rescuers. So it wasn't smoking that  
15 bad, you know. But that's when we  
16 thought --- my first instinct was,  
17 you know, just, hey, get a fire  
18 extinguisher, you know, put it out,  
19 get some rock dust and put it out.  
20 Because to me it wasn't --- you know,  
21 I mean, it was a fire, but it wasn't  
22 a fire where you should have, you  
23 know, just said, oh, my God, what am  
24 I going to do here, you know, because  
25 to me, I mean, we could put it out.

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01 Like I say, we spent 30 minutes,  
02 telling me to roll out the hose, look  
03 for the rock dust. And when he  
04 sprayed the fire extinguisher on it,

05 I mean, you're talking about minutes.  
06 And putting the rock dust on, you're  
07 talking about minutes. And then we  
08 went up there and proceeded with the  
09 water hose. The time that it took me  
10 to roll these out and put it back  
11 together when it blowed apart and  
12 stuff like that, you know, that's the  
13 bad part, when the water hose came  
14 disconnected. Of course, like I say,  
15 I had a water clamp on me, and I put  
16 it back together and we proceeded to  
17 put it out.

18 Q. Given what happened on the  
19 19th, would your opinion be different  
20 today than it was at that time, that  
21 evacuation wasn't necessary?

22 A. Well, if I had it --- you  
23 know, that's a good question right  
24 there because a person's instinct,  
25 you know. You want to do what you

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01 got to do, you know. And my problem  
02 was a fire, you know. And I thought  
03 well, my first instinct was is to put  
04 the fire out. And that's what my  
05 first --- because to me, it wasn't  
06 --- you know, to me, it wasn't that  
07 bad, you know. I mean, it was a fire

08 that I looked at and I said, hey,  
09 man, we can put this out. I mean,  
10 that's what my first concern was, you  
11 know, hey, just put the fire out.

12 And as far as calling anybody,  
13 I personally did not think anybody  
14 was in danger because it wasn't even  
15 strong enough smoke to affect us, and  
16 we were there. I mean, I was right  
17 there on top of it with no rescuer  
18 on. And my main objective was that,  
19 hey, just put it out. You know, just  
20 get you some fire extinguisher, rock  
21 dust and put it out.

22 Q. Do you know if the smoke  
23 affected Junior at all?

24 A. Well, here goes opinions, you  
25 know. I was doing the same thing he

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01 was, and I stayed there all night.  
02 But he says --- Dave Meade even was  
03 there, and he says, Dave, I'm having  
04 problems breathing. I said, if  
05 you're having problems breathing, go  
06 out with Dave, let Dave take you out  
07 and go to the hospital, fill out a  
08 report, let everybody know how you  
09 feel, and he said, no, I'm okay. He

10 says, I don't need to go there. I'm  
11 okay. I'll stay the rest of the  
12 shift. But when Dave Meade left, you  
13 know, he comes up and says, hey,  
14 Carl, I'm going to go home.

15 I said, why don't you call  
16 somebody to come and get you. I  
17 said, all you got to do is call  
18 outside and somebody --- oh, that's  
19 okay. I'll just walk out. So to me,  
20 you know, he just wanted to go home.  
21 I mean, I'm telling you the truth.  
22 Because I was there doing the  
23 identical same thing he did. And  
24 like I say, it wasn't that bad. You  
25 know, if it was bad, we'd have to don

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01 our rescuers. And if it was bad, you  
02 know, we'd --- you know, I mean, it  
03 was just like, you know, just going  
04 out here in your backyard, you know,  
05 and just hanging over a little  
06 garbage pile, you know, burning, like  
07 somebody lit a match or something.  
08 You're just going to try and put it  
09 out, you know. It's like my neighbor  
10 come over one night and I was burning  
11 a little bush out in my backyard, you  
12 know. He said, hey, man, I don't

13 want you to do that. I said, well,  
14 I'll cut it out right here, and I put  
15 it out within seconds, you know. So  
16 it didn't, you know, cause no big,  
17 you know, thing. That's the way I  
18 felt about this fire. And maybe I  
19 shouldn't say this, but I just knew  
20 Junior wanted to go home that night,  
21 because I worked with him and I  
22 checked his work records, see if he  
23 misses any work. He misses a lot of  
24 work.

25 Q. Carl, if you don't mind, we

87

01 need to take a few-minute break.

02 A. Okay.

03 SHORT BREAK TAKEN

04 BY MR. FRANCAERT:

05 Q. If you don't mind, I'd like

06 you to come up to the map for just a

07 few minutes.

08 WITNESS COMPLIES

09 BY MR. FRANCAERT:

10 Q. If you could, show us the area

11 where you worked that day. Just

12 outline it for us. That's the day of

13 the 19th.

14 A. I know it's right in here.

15 Q. To give you an idea, the brown  
16 lines here are the belts. This would  
17 be the longwall belt, the Seven belt.

18 A. Yeah.

19 Q. And then the Six belt comes  
20 down here. This is the 48-inch belts  
21 on the Number Two section.

22 A. It was right in here. That's  
23 the Seven tailpiece right there;  
24 right?

25 Q. Right.

88

01 A. And there's the mother drive  
02 right there; right?

03 Q. Right. So just mark that area  
04 where you traveled.

05 A. I was all over this place  
06 here, the tailpiece, the mother  
07 drive, come down here into the  
08 storage unit. Then I proceeded all  
09 the way down through here.

10 Q. So you walked the belt the  
11 whole way down to the longwall face;  
12 is that right?

13 A. That's when I called a ride.  
14 That's when I left at 3:30.

15 Q. Where did you come out on your  
16 ride?

17 A. This way going in here.



18 Q. So the face is here.

19 A. Uh-huh (yes).

20 Q. This is your cut-through.

21 A. Oh, the cut-through?

22 Q. Yes.

23 A. I think it was down in here

24 somewhere because the ride came, and

25 I had to run and catch it. Yeah,

89

01 because when the ride was coming out

02 this way, that's where I had to catch

03 the ride. I almost missed it. I

04 barely got there in time.

05 Q. Just go ahead and mark where

06 you traveled to.

07 A. Okay.

08 WITNESS COMPLIES

09 BY MR. FRANCAERT:

10 Q. That's the area of the belts

11 that you walked that day?

12 A. Yeah. When I was coming out

13 back there.

14 Q. Did you travel the 78-inch

15 southern belt at all?

16 A. Yes.

17 Q. Can you mark that, too, where

18 you went?

19 WITNESS COMPLIES

20 BY MR. FRANCCART:

21 Q. You went the whole way out to  
22 the head ---

23 A. Uh-huh (yes).

24 Q. --- of the southern belt?

25 A. Yes. That area right here.

90

01 The main line would be your Six belt.

02 Q. Did you inspect the Six belt  
03 or do any examinations on Six belt?

04 A. Yeah, we --- this right here  
05 is the Six head right here.

06 Q. Pretty close?

07 A. Yeah, right --- yeah.

08 Q. Did you get up to the tail of  
09 Six at all?

10 A. Well, I cleaned and greased  
11 that. This is Two section head right  
12 there, Number One head; right?

13 Q. That's right. So you say you  
14 did get up to the Number Six tail?

15 A. Yes. That's my area right  
16 there, yeah. I would have been all  
17 over this area here, all the way down  
18 through here.

19 Q. Carl, the 19th, you didn't go  
20 down on Two section belts?

21 A. No.

22 Q. It was marked on this map at

23 one time a stopping just inby the  
24 tail.

25 A. Uh-huh (yes).

91

01 Q. And we know that that stopping  
02 is not there now. Do you know when  
03 that stopping was taken out?

04 A. Well, sir, when I got up  
05 there, I noticed the stopping was  
06 right there. There was a man door  
07 right there. Now, when I first went  
08 up there, I remember going this way  
09 and going through that stopping and  
10 there was the winch and there was the  
11 starter box and the splitter box. Of  
12 course, that's down here.

13 Q. Is that in this entry with the  
14 Seven belt or is that in the  
15 crosscut?

16 A. Yeah. And that right there is  
17 the mother --- well, all this stuff  
18 was down here.

19 Q. Okay.

20 A. Yeah. All this stuff right  
21 here --- you say there was a stopping  
22 right there?

23 Q. There was a stopping inby that  
24 tail at one time that was taken out.

25 Do you know when it was taken out?

92

01 A. No, I sure don't.

02 Q. It was originally marked on  
03 the map, but the investigation showed  
04 it was taken out at some point.

05 A. Well, now there's up there ---  
06 is this the entry where the Seven  
07 belt is going to continue down  
08 through here?

09 Q. That's correct.

10 A. Yeah. No, there was --- well,  
11 you should be talking about right in  
12 here; shouldn't you?

13 Q. Well, there was also one here  
14 at one time, but it's not there  
15 anymore either.

16 A. No. But you got a belt line  
17 coming through there that's the  
18 six-foot belt, yeah. And I asked  
19 about that right there. I asked  
20 about that place right there, and  
21 they said, well, we're getting ready  
22 to connect them two places up, and  
23 all of our coal is going to isolate  
24 this one and bring it down to here.  
25 Because I asked that question when I

93

01 first went up there. I said, man,

02 why is this place here like this, you  
03 know. They said, well, we're going  
04 to hook it up to the Seven belt, and  
05 that's going to be our main line of  
06 running coal, is going all the way up  
07 here to the four-foot belt, and  
08 they're going to run this one down  
09 through here and dump it on here, and  
10 this is where that seven-foot belt  
11 there was.

12 Q. So you don't know when that  
13 stopping was taken out?

14 A. It was out when I was there.  
15 And that was --- they already had  
16 this belt in, you know, all the  
17 structure laying out. All they had  
18 to do is connect this little piece  
19 right here to this piece, and that  
20 belt would have been complete right  
21 there. And they was --- they had  
22 already put the belt in, the  
23 structure anyway, the belt on there.

24 Q. And who did you ask about that  
25 stopping?

94

01 A. Well, I don't know, but they  
02 told me --- I can't figure out whose  
03 name or anything, but they told me,

04 they said, Carl, the reason that  
05 that's like that, we're going to  
06 start running our coal from Two  
07 section there, and all we got to do  
08 is hook that piece together again.  
09 And that's what I was told about  
10 that.

11 Q. So for five weeks you're  
12 saying that there were no stoppings  
13 between the tail and ---?

14 A. No, there was definitely no  
15 stopping right in there.

16 Q. Well, the next break inby 3266  
17 spad, was there a stopping in this  
18 break at all for those five weeks?

19 A. No, not --- because the belt  
20 was there. The belt structure was  
21 there.

22 Q. So there was no stopping in  
23 either location?

24 A. No, because all the structure  
25 was in there. The structure ---.

95

01 Q. Did you ever see a curtain  
02 hung in those breaks at all?

03 A. No.

04 Q. Do you think that there is a  
05 need for a stopping at that location?

06 A. Well, my estimation was, when

07 I seen all that belt --- I mean, that  
08 belt structure, I just questioned,  
09 you know, why was this disconnecting.  
10 And they said they was proceeding in  
11 the process of hooking that belt up.  
12 And that's the only thing I really  
13 noticed. That belt wasn't connected.  
14 I thought maybe it's something that  
15 was going to be real quick, you know,  
16 because all they had to do was hook  
17 that up.

18 Q. We'll go ahead and let you sit  
19 down then, Carl, for now. If you  
20 wouldn't mind, though, if you could  
21 sign your name and date this map for  
22 us so we know that this is the one  
23 you marked up for us.

24 WITNESS COMPLIES

25 OFF RECORD DISCUSSION

96

01 BY MR. FRANCAERT:

02 Q. Carl, as part of your  
03 examinations, do you determine  
04 whether or not stoppings are located  
05 in the proper locations?

06 A. No.

07 Q. Do you check stoppings for  
08 integrity?

09 A. Well, the only thing I fire  
10 bossed is the belt line, just  
11 strictly the belt line.

12 Q. Do you look at stoppings as  
13 part of that job?

14 A. Well, I would say yes. If I'd  
15 see a bad stopping or something like  
16 that, you know, I'd --- you know, I  
17 wouldn't --- and if I knew the  
18 stopping was, you know, something  
19 wrong with it or something like that  
20 and I'm walking the belt line, just  
21 hoping, you know, that it was damaged  
22 or whatever.

23 Q. Would you report that as a  
24 hazard in the books?

25 A. Yes. Yeah, if I knew it was a

97

01 hazard. But my primary exam --- I  
02 mean, like I said, just being the  
03 belt examiner for 19 months, and my  
04 primary exam was just the belt line,  
05 and --- because they wouldn't let me  
06 fire boss everything because I was  
07 just the examiner. And they said I  
08 wouldn't have a right to, you know,  
09 fire boss this or that. So mainly I  
10 concentrated just on the belts,  
11 checking rollers and --- matter of



12 fact, what emphasis they placed on me  
13 was the rollers, you know, make sure  
14 the rollers was, you know, not stuck  
15 and things of that nature.

16 Q. When you say they, who are  
17 they?

18 A. Jeff Perry.

19 Q. Jeff Perry?

20 A. Yeah.

21 Q. Is he the one that trained you  
22 to be a belt examiner?

23 A. No, sir.

24 Q. Who did that?

25 A. Well, I really wasn't trying

98

01 to be a belt examiner. I just came  
02 here from Performance Coal and I had  
03 my belt examiner's papers, but nobody  
04 would ever let me be a belt examiner  
05 because they said they wanted a  
06 certified mine foreman. So when I  
07 came here, they put me on belts, but  
08 they said I didn't have authority to  
09 fire boss face and pumps and power  
10 centers. They told me I was strictly  
11 --- could just fire boss the belts.

12 Q. What types of things did Jeff  
13 Perry tell you would be considered to

14 be hazards?

15 A. Really nothing, really. See,  
16 Jeff has only been there just for a  
17 short while, and nobody really has  
18 said anything. I mean, nothing. You  
19 know, they say, hey, man, this is  
20 your job, you know. You got Six  
21 head, Seven head, you got Rum Creek.  
22 And you go there and they put  
23 emphasis mostly on greasing, greasing  
24 and cleaning and rollers.

25 Q. There's a sign out on the

99

01 front gate that says greasing is not  
02 an option.

03 A. Right.

04 Q. What does that mean?

05 A. Well, to me, that there's no  
06 excuse of not greasing. You have to  
07 grease, you know.

08 Q. Okay.

09 A. And they really put emphasis  
10 on greasing. You know, in my  
11 personal opinion, they grease too  
12 much. When I worked for Pittston  
13 Coal, when we greased there, they  
14 just said, put a certain amount in,  
15 you know, don't bust the seals, just  
16 put a certain amount in. But here,

17 at Massey, they grease until you see  
18 grease. And sometimes you see two or  
19 three tubes yielding on the ground.

20 Q. When you make your belt  
21 examinations, do you have to make any  
22 airflow determinations as far as  
23 direction and velocity of air in the  
24 belts?

25 A. No.

100

01 Q. You don't make air  
02 measurements at all?

03 A. No, I haven't. I did it when  
04 I was taking my belt examiner's exam,  
05 but I've never had what you call an  
06 anemometer --- is that what it is?

07 Q. Yes.

08 A. I've never been given one of  
09 those, and I've never been, you know,  
10 asked to take any air readings or  
11 anything.

12 Q. Do you know if there's a  
13 minimum air velocity required in the  
14 belt entries at this mine?

15 A. I don't --- I don't know.

16 Q. Do you carry a CO detector  
17 with you when you walk the belts?

18 A. Yeah. Yeah, I check methane

19 and COs and the oxygen.

20 Q. Do you ever find any elevated

21 levels of CO?

22 A. No. No.

23 Q. When you took your test on

24 being a belt examiner and when you

25 were certified, what types of things

101

01 did you learn about as far as what

02 would be considered to be a hazard

03 that you would record in a book?

04 A. Honest, when I took my belt

05 examiner's test, you just took the

06 test and they showed you how to take

07 a gas reading or CO reading or oxygen

08 reading and just said, get me an air

09 reading. They showed you how to get

10 your air reading, and basically

11 that's all it was.

12 Q. They didn't say if you had a

13 fire, that that would be a hazard to

14 report?

15 A. Nobody said nothing about a

16 fire. I wish they had, but --- I

17 mean, it was just --- really, nobody

18 said anything or anybody said

19 anything to me.

20 Q. Did anybody tell you not to

21 put certain things in books?

22 A. No. No. Well, basically when  
23 I became --- here at Aracoma is the  
24 only place I've ever put anything in  
25 any books. It was always just clean

102

01 and dust, clean and dust, clean and  
02 dust. And I did, you know, wonder  
03 why don't they put more in it besides  
04 clean and dust, you know. Like you  
05 say, if you see a stopping down or  
06 maybe a pile of coal that's in a  
07 walkway, but I was always --- you  
08 know, this is what I was always  
09 taught, you know, just put down clean  
10 and dust, clean and dust, clean and  
11 dust.

12 Q. Who taught you that?

13 A. Well, that's the way it is  
14 with Aracoma, if you check the books,  
15 you know.

16 Q. Nobody told you to put just  
17 that in the book?

18 A. Well, that's the way ---  
19 that's what the system was when I got  
20 there, you know. And I thought, my  
21 goodness, I thought you'd put  
22 something in it besides clean and  
23 dust, you know. And to me, that was,

24 you know --- I mean, why just clean  
25 and dust.

103

01 Q. Did you ever report any other  
02 types of hazards?

03 A. Well, when I had a hazard, I'd  
04 report it, you know. Just like for  
05 instance, say you'd have a hot roller  
06 or a hot bearing, you'd just call up  
07 on the phone and say, hey, man, we  
08 got a bearing here that needs to be  
09 changed, you know, which I did  
10 before.

11 Q. Was that ever recorded in the  
12 book; do you know?

13 A. I can't say for sure because I  
14 remember one time we had a bearing  
15 down on Four tailpiece, and I went  
16 down there to check it out and I got  
17 a water hose again and put the ---  
18 took the heat off of it, where it got  
19 red, real hot. And I called them up  
20 and told them, I said, we got a bad  
21 bearing down here that needs to be  
22 checked out. So they come down here  
23 and say, hey, man, it's bad, you  
24 know, it needs to be changed.

25 Q. What happens when you find a

104

01 bearing like that? Do you have to  
02 stop the belts?

03 A. Yes. Sometimes --- yeah,  
04 because the way this belt was, it was  
05 --- it had to be stopped. You had to  
06 turn off the belt and shut the whole  
07 mines down. I had to do that then  
08 because it was that bad.

09 Q. Does anybody ask you why you  
10 stop belts when you do?

11 A. Sir?

12 Q. Does anybody ever ask you why  
13 you stop the belt when you do stop a  
14 belt?

15 A. Yeah.

16 Q. How do they ask you?

17 A. Well, hey, what are you doing  
18 down there? How come you turned that  
19 belt off? Did they tell you you're  
20 supposed to turn those belts off?

21 And I'd say, well, this right here  
22 was --- I mean, the bearing was shot  
23 and gone and it wouldn't even roll,  
24 you know. I mean, it was just too  
25 bad, you know. The whole guts was

105

01 eat out of it. So they proceeded to  
02 come down there, the mine officials,

03 you know, Jeff Perry, the mine  
04 foreman, whoever, they come down  
05 there. They say, my goodness, we  
06 need a bearing. And that's how that  
07 goes. But there's always pressure  
08 when you're doing things. Like  
09 you've always said, don't turn off  
10 the belts, you know, don't turn off  
11 the belts. And so every time you do  
12 something, you know, you think, well,  
13 you know, should I turn off the belt  
14 or should I not turn off the belt.  
15 And as you know about coal, you know,  
16 it's mine coal, mine coal, you know.

17 Q. Do you know if there's been  
18 any actions taken against an employee  
19 for turning off belts at the mine?

20 A. No, sir. No, sir, no, I  
21 haven't. No, I never --- I know a  
22 lot of --- I know there's been a lot  
23 of negativism toward turning belts  
24 off, like, hey, man, why did you turn  
25 that belt off, well, you ain't

106

01 supposed to turn belts off. Then a  
02 man said, well, I had to, you know.  
03 We had a bad roller and I had to stop  
04 the belt to get the roller off of it.  
05 So I've heard some negative things



06 about, you know, just hollering about  
07 just shutting the belt off. But  
08 basically, since I've been in the  
09 mines, you try to do everything you  
10 can do to keep from turning the belt  
11 off.

12 And personally, I don't know  
13 if I should say this or not, but  
14 again, back to the storage unit, I  
15 believe that was a terrible mistake  
16 that day. I heard the first thing the  
17 man did was turn the belt off. Now,  
18 this is what I heard, okay. I heard  
19 the first thing the man did was turn  
20 the belt off. And to me, that's just  
21 like throwing logs on the fire. But  
22 that was my opinion, you know. But  
23 everybody thought, my goodness, you  
24 know, when you shut the belt off, all  
25 you're doing is you got --- I mean,

107

01 all this stuff here is just sitting  
02 still, you know, with nothing but  
03 fire to burn it up. So I think  
04 sometimes you're in a lot of  
05 decisions where you got to make the  
06 right decision. You know, is it that  
07 bad, you know? Was the bearing ---?

08 I don't know. See, this is where I'm  
09 speculating again. But I heard the  
10 first thing that somebody did was  
11 turn the belts off. Then all of a  
12 sudden, you got all this stuff just  
13 sitting still, you know. And when  
14 the belt was running, at least it had  
15 the chance of, you know, just --- not  
16 just sitting there fueling the  
17 flames, you know.

18 Q. Do you think the company's  
19 philosophy of safety before  
20 production is true?

21 A. My personal opinion, they push  
22 production. You know, we want to run  
23 the belts. We want to run the coal.  
24 As a matter of fact, you live in a  
25 state of fear, you know, like hey,

108

01 man, what will happen if I turn this  
02 belt? Will I get fired? Will I get  
03 a three-day suspension? And you live  
04 under this consumption (sic), you  
05 know, that you got to keep these  
06 belts going. You know, that's  
07 basically the way it is in every  
08 mines I've ever been in, you know,  
09 hey, don't turn the belts off, let  
10 the belts run, you know. And because

11 when the belts goes off, you hear  
12 everybody screaming, you know.  
13 Q. Do you think that's a proper  
14 emphasis to have --- well, let me ask  
15 the question this way. Do you think  
16 safety is compromised at Aracoma  
17 because of that philosophy?  
18 A. I wouldn't say only Aracoma,  
19 but I would say a lot of mines  
20 compromise safety. But my personal  
21 experience, I've always said this  
22 will make me a better coal miner,  
23 because of this. From now on, when I  
24 go to a place, if I see something I  
25 even think is a hazard, like a roller

109

01 or whatever, I'm automatically going  
02 to take action and not say, well,  
03 maybe I'll get fired, maybe I'll get  
04 a five-day suspension. And just like  
05 that day I seen the fire, my most  
06 instinct right now would probably be  
07 to say, hey, man, just shut the belt  
08 off and call out there and say, hey,  
09 let's evacuate the mines, you know,  
10 we've got a fire, send some help,  
11 instead of just saying, well, let's  
12 just, you know, put out the fire.

13           But there's different  
14    instincts. Like when you're in a  
15    situation, you know, you think, my  
16    goodness, why did I do that for? Why  
17    didn't I do something different?  
18    Just like the two men that perished  
19    up there, now, to me, there was a way  
20    of escape. Those men could have been  
21    living today because the boss man ---  
22    this is what you hear now, the boss  
23    man says, hey, boys, stick with me, I  
24    know the fresh air, I know where  
25    we're going, just get your rescuers

110

01    on. Let's just be patient and cool  
02    and let's hold hands and let's walk  
03    together. They said them two men  
04    just took off running and ran the  
05    wrong way.

06           And to me, that's what you do  
07    when you're in a situation like this.  
08    You just do the stupid thing, you  
09    know, what --- you know, just like,  
10    you know, the right thing you usually  
11    don't do. You just do what's stupid,  
12    you know. Like these two men, you  
13    know, why did they run? Why did they  
14    run? Just like the night before this  
15    Bragg boy was killed, he told his

16 wife, he says, hey, if something  
17 happens in this mines, like at Sago,  
18 I'm not going to die like a rat, I'm  
19 going to run. And here's Elvis. And  
20 I'll tell you what I've heard from  
21 the other miners. Elvis was just  
22 questioned the night before about his  
23 rescuer. He says, I don't even know  
24 how to put the blank thing on,  
25 cursing. And so here's two men, you

111

01 know, absolutely, you know, petrified  
02 when this happened. So when it  
03 happened, one says, hey, man, I'm not  
04 going to die like a rat, I'm going to  
05 run. And the other man says, I don't  
06 even know how to put mine on, so I'm  
07 just going to throw it down and run.

08 And where they should have just  
09 said, hey, let's stick with the boss,  
10 let's stick with the group, you know.

11 Q. Do you know if they were  
12 trained on the self-rescuer?

13 A. Yes, sir, they were just a  
14 week before that.

15 Q. Were you trained on one  
16 recently?

17 A. Yes, sir. Yes, sir.

18 Q. The same time?

19 A. No, sir. I was two weeks  
20 after. I was following the Saturday  
21 they had the accident, so they posted  
22 mine to another Saturday.

23 Q. So you haven't had it yet for  
24 this year?

25 A. Oh, yes.

112

01 Q. You have?

02 A. Yeah. Yeah. That's when I  
03 had mine, after --- you know, matter  
04 of fact, everybody has already had  
05 that training, retraining, annual  
06 retraining. But now I can, with  
07 confidence, take my rescuer and put  
08 it on and feel real good about it. I  
09 won't have to worry about forgetting  
10 my nose clip or my --- you know, my  
11 goggles or strapping it around my  
12 waist. I mean, I think right now  
13 that I'd be pretty secure if I had to  
14 use one, you know.

15 Matter of fact, I believe I  
16 could be relaxed and use one without  
17 panicking and doing something stupid,  
18 you know. I believe if I come up to  
19 a fire again, I think I can just take  
20 my rescuer out and put it on and say,

21 hey, man, I'm going to be cool. I'm  
22 going to be patient, because I know  
23 I've got an hour's worth of air on  
24 me, and I'm going to do what I can to  
25 protect myself for this hour, you

113

01 know.

02 But when those men panicked  
03 that day, they did everything wrong  
04 and nothing right. If they would  
05 have just said, hey, man, let's stick  
06 with the crowd --- but what these men  
07 were thinking, hey, we're going to  
08 get out of here. Those other guys who  
09 are going to barricade in, they're  
10 going to die. We're going to live.

11 But see, in haste they made the wrong  
12 decision.

13 Q. Well, we hope to find out why  
14 they made the decision they made. I  
15 know it's hard to understand right  
16 now, but hopefully the report will  
17 find out why they did what they did.  
18 When you worked in the mother belt  
19 area, did you happen to ever open the  
20 double doors, the airlock doors, for  
21 anybody coming through on a trip?

22 A. Yes, sir.

23 Q. You did open them for them?

24 A. Uh-huh (yes).

25 Q. Did you always close them

114

01 afterwards?

02 A. Yes, sir.

03 Q. Did you ever find them open?

04 A. Yes, sir, I have. Yes, I ---

05 and I don't know who would leave them

06 open. But there is times --- as a

07 mother drive beltman, there is times

08 I've seen them doors and I've

09 literally walked through water

10 practically up to my knees to go

11 through the water hoping to shut the

12 doors. And when the men come through

13 there, I personally do this, as just

14 to help if I'm near by, I'll open up

15 the doors for them and they go on by

16 and I'll shut them. And the doors

17 have always been shut when I'm there.

18 But I have seen them open, and I just

19 proceed --- I said, my goodness, who

20 left these doors open, and I would

21 shut the doors.

22 Q. Why are those doors there?

23 A. Well, just to keep fresh air

24 in that entryway right there, to keep

25 all the bad air and everything else



01 from, you know, going all over the  
02 mines, sort of like, what they call  
03 it, an airlock door. And so  
04 basically to me it's just to, you  
05 know, keep safe, keep the mines safe  
06 and everything.

07 Q. What happens when that door is  
08 not --- when the doors are not  
09 closed, when they're left open? What  
10 does that cause?

11 A. Well, to me it causes a  
12 short-circuit in the air system. The  
13 air could just (makes sound effect)  
14 go through the doors and the man  
15 doors and then just have a lack of  
16 air going to the section, and then  
17 the section would be without air.

18 Q. Do you know where the power  
19 boxes are for the belt starter in the  
20 crosscut inby the double doors?

21 A. I know where a power center is  
22 right there, but I never had to go to  
23 it or use it for anything. I'm  
24 pretty sure I know what you're  
25 talking about.

01 Q. Did you ever notice that there

02 was a stopping into that crosscut?  
03 A. No. I never even paid no  
04 attention. The only thing I can say,  
05 I believe there's a white box --- a  
06 white, what you call a fire box.  
07 That's my experience with that, just  
08 knowing I've seen it there. But I've  
09 never, you know, had to go to it or  
10 do anything with it or anything.  
11 Q. Did you ever have to use a  
12 phone over there in that crosscut?  
13 A. Yeah. You're talking about  
14 Number One Fourway.  
15 Q. No. I mean up there at the  
16 mother drive.  
17 A. Oh, yes, I've used a phone at  
18 the mother drive.  
19 Q. At that starter box for the  
20 belt?  
21 A. Yeah, right.  
22 Q. That crosscut, was there a  
23 stopping in that crosscut?  
24 A. Okay. Now, when I --- I'm  
25 pretty sure ---.

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01 Q. This would be the same box  
02 that Dusty Dotson went for.  
03 A. Yeah. Okay. Here's the box,  
04 and you're talking about this area

05 right here, right where the main line  
06 is, where the double doors is, this  
07 stopping right there, right, ---

08 Q. That's the crosscut.

09 A. --- that had the man door in  
10 it.

11 Q. There was a stopping with a  
12 door in it?

13 A. Yeah. When I went there, I  
14 know that was there because I went  
15 through the man door, okay. I went  
16 through the man door. But I went  
17 there one morning --- now, this is  
18 approximately two days just later,  
19 okay. Approximately two days later,  
20 I went back up to there again and I  
21 thought, hey, it's not here. I'm  
22 pretty sure there's a stopping there  
23 because I know I came up through  
24 there and I went through that man  
25 door and I looked over on the rib and

118

01 I saw all new block --- whoever tore  
02 it down, God only knows. I don't  
03 know. But whoever tore that stopping  
04 down, stacked all their blocks up  
05 neatly up against the rib. Now, who  
06 tore it down, I don't know. But I

07 know for a fact that there was a  
08 stopping there and it had a man door  
09 in it because I know I've been  
10 through it. But I mean, I wasn't up  
11 there for two days and I thought, my  
12 goodness, who would do this, you  
13 know, who would take that down. So  
14 that's my experience. I can tell you  
15 that there was one there and I can  
16 tell you about approximately two days  
17 later that it was torn down.

18 Q. Do you know when that was,  
19 what date, approximately?

20 A. Well, see, the accident  
21 happened about the 19th, and what,  
22 December --- around the first of  
23 December, something like that.  
24 Around the first week in December.

25 Q. Do you know why it was taken

119

01 out?

02 A. No, I don't. And matter of  
03 fact, I just was questioning, you  
04 know, why would somebody take it  
05 down, you know. And the only thing I  
06 know, they took it down and they  
07 stacked their blocks up against the  
08 rib.

09 Q. Do you make pre-shift

10 examination on the belts or on-shift?

11 A. On-shift.

12 Q. On-shift, no pre-shift?

13 A. I don't go inside and --- I

14 just go inside to do my regular

15 routine. Half the shift, I start my

16 fire bossing, start walking belts,

17 just an on-shift. And I call it out

18 to the fire boss that's coming on.

19 Q. Once that stopping was removed

20 where the power boxes are, we talked

21 about the man door was in a stopping.

22 Do you know if there's any air

23 movement in that crosscut that you

24 could discern?

25 A. No, I couldn't say. No, I

120

01 didn't --- I didn't --- I couldn't

02 say. To me, there wasn't no air that

03 you could actually know there's air,

04 you know, like strong air.

05 Q. You couldn't tell if the air

06 moved one way or the other?

07 A. Right. Yeah. I mean, to me

08 it was just like walking in this room

09 here. You couldn't tell one way or

10 the other.

11 Q. Have you ever been trained in

12 mine evacuation procedures?  
13 A. No, not really. I've just  
14 been told the escapeway, you know,  
15 like if you have an evacuation, just  
16 go out to the intake, you know, and  
17 proceed out until you get outside.  
18 Of course, I've walked --- that might  
19 have been an evacuation. I've walked  
20 from all the way back to the face,  
21 all the way outside. And maybe that  
22 was an evacuation. I don't know.  
23 They just called it a fire drill or  
24 safety drill or whatever, you know,  
25 walking from inside the mines

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01 outside.  
02 Q. How do you know which is the  
03 primary and secondary escapeway?  
04 A. Well, the primary one's got  
05 green and one's got red, the little  
06 tags hanging from the roof.  
07 Q. Reflectors?  
08 A. Yeah.  
09 Q. The primary has green?  
10 A. I'm pretty sure it does. And  
11 the other one has red.  
12 Q. The secondary has red?  
13 A. Yeah. I may have got them  
14 backwards, though.

15 Q. Did you ever see any yellow  
16 reflectors in the mine?

17 A. I'm pretty sure I have. Yeah,  
18 I've seen yellow reflectors.

19 Q. Anybody tell you what those  
20 are for?

21 A. No. They'd be neutral, a  
22 neutral area. No.

23 Q. How about blue reflectors, see  
24 some blue ones?

25 A. It seems like I've seen some

122

01 blue ones. I'm pretty sure I have  
02 because these all seem familiar to me  
03 when I'm just looking at reflectors,  
04 you know.

05 Q. Do you know who the  
06 responsible person is on your shift,  
07 according to the firefighting and  
08 evacuation plan?

09 A. On my shift, should be the  
10 belt boss, Jeff Perry.

11 Q. Jeff Perry?

12 A. To me. I mean, that's who I  
13 answer to and who I, you know, report  
14 to and all that stuff.

15 Q. Do you know who would be  
16 responsible for requiring evacuation

17 of the mine?

18 A. I'd say the mine foreman.

19 Q. Do you know if anybody else

20 examined the mother drive the day of

21 the fire besides you?

22 A. Just Tom Adkins on third

23 shift.

24 Q. What's Tom's job?

25 A. He's the third shift foreman.

123

01 He's a certified foreman. He fire

02 bosses all that area. I know he was

03 there because he fire bosses

04 practically everything in the mines,

05 second shift, mother drive, Six belt,

06 Seven belt, Five belt, Four belt. He

07 fire bosses all that every night. I

08 know he dates it up --- I see where

09 he dates it up all the time.

10 Q. Besides that fire at Five

11 belt, do you know of any other fires

12 in the mine?

13 A. No. No. I've never seen ---

14 like I say, nothing but a hot bearing

15 and that little fire on Five belt.

16 And that's all I've ever seen, these

17 rollers and that little fire that was

18 on Five belt there.

19 MR. FRANCAERT:



20           For the record, I need  
21   to put an exhibit tag on the  
22   map that you signed on the  
23   wall. I failed to do that.  
24   This is going to be Exhibit A,  
25   White.

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01   (White Exhibit A marked  
02   for identification.)

03   BY MR. FRANCCART:

04   Q. I'm going to give you another  
05   one here. Are you familiar with the  
06   alpha reports?

07   A. The what?

08   Q. Alpha reports.

09   A. No. I don't even have no idea  
10   what they are.

11   Q. The company has a report data  
12   sheet from what we understand reports  
13   production to various people and  
14   comes out on an alpha report. And on  
15   one of the alpha reports, on the day  
16   of the fire, the 19th, it said that  
17   the longwall was down between 12  
18   o'clock and two o'clock in the  
19   afternoon for a winch fault. Did you  
20   also have one in that time span; do  
21   you know?

22 A. Winch fault?

23 Q. Yes.

24 A. I can't recall it having been  
25 down for two hours.

125

01 Q. No, not for two hours. Within  
02 that two-hour period, was there  
03 another winch fault at that time?

04 A. No, not after Dusty did what  
05 he did, you know. That's the only  
06 thing I can recall. I can recall him  
07 getting in that box and, as far as  
08 I'm concerned, all day long nothing  
09 happened until they shut the belt off  
10 at 3:30 for 20 minutes.

11 (White Exhibit B marked  
12 for identification.)

13 BY MR. FRANCAERT:

14 Q. I'm going to give you a copy  
15 of this page in the page of the log  
16 that we have, and it's marked Exhibit  
17 B, White. The bottom entry is the  
18 one that I want you to take a look  
19 at. I apologize for the quality  
20 because we don't have the original  
21 available for us today. What we have  
22 is this picture. Can you make that  
23 out, the very bottom? I'll point it  
24 out to you. Right here.

25 A. Head, Aracoma --- Aracoma

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01 currently down, mother drive off on  
02 production, winch fault. Okay. I  
03 know what this is saying right here.

04 Q. Do you recall that happening  
05 around that time of your shift?

06 A. Yes. But like I say, it was  
07 just for a while. And then when  
08 Dusty Dotson come up there to do what  
09 he did, which I can't say for sure,  
10 to me it ran all day long until 3:30,  
11 until they called me and told me that  
12 it was going to be down for 20  
13 minutes.

14 Q. That repair that Dusty made,  
15 wasn't that in the morning?

16 A. Yes, around --- yeah. As far  
17 as I know, it never did stop that  
18 day. They never did --- I mean, as  
19 far as I know, they didn't.

20 Q. So you don't recall another  
21 stoppage ---

22 A. No.

23 Q. --- between 12:00 and 2:00?

24 A. No. I sure don't.

25 Q. Thank you. Are you familiar

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01 with the CO system in the mine?  
02 A. Yeah, I just know the CO  
03 monitors near your belt heads and on  
04 your belt lines and stuff like that.  
05 I know, you know, it run right on  
06 zero. Then when you get the CO ---  
07 if you got a fire or smoke or  
08 anything, they go up, increase in  
09 number

10 Q. What happens when they get CO  
11 on a sensor? Do they call you and  
12 have you check it?

13 A. Yeah. The dispatcher will  
14 call and say, hey, man, we got a CO  
15 going up in Five. That's the only  
16 time it's ever happened to me since  
17 I've been in the mines.

18 Q. Just one time they called you?

19 A. Just one --- well, that's the  
20 only time it's happened to me.

21 Q. Are you aware that there was a  
22 warning signal on your shift sometime  
23 after 11 o'clock in the morning?  
24 Nobody called you about that one?

25 A. Uh-uh (no).

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01 Q. Did the dispatcher know you  
02 were at that mother drive all day?

03 A. Yeah. Uh-huh (yes).

04 Q. But he didn't call you about  
05 this?

06 A. Uh-uh (no).

07 Q. I'm surprised. Have you ever  
08 seen a CO printout from the CO  
09 system?

10 A. Uh-uh (no).

11 Q. I have a copy here. I'm going  
12 to put ---.

13 A. They had something at like 11  
14 o'clock or something.

15 MR. FRANCCART:

16 I'll mark this Exhibit

17 C.

18 (White Exhibit C marked  
19 for identification.)

20 A. I was there approximately all  
21 day long and ---.

22 BY MR. FRANCCART:

23 Q. I've highlighted that line for  
24 you on there, sensor number 82. Are  
25 you familiar with that sensor

129

01 location at all?

02 A. No, sir. I have no idea what  
03 this is.

04 Q. It indicates there that there  
05 was a warning signal on that CO

06 sensor sometime just after 11  
07 o'clock.  
08 A. Uh-huh (yes).  
09 Q. But you don't know if you got  
10 a call ---  
11 A. No, I don't ---.  
12 Q. --- regarding that at all?  
13 A. I know I didn't get no call.  
14 Q. Okay.  
15 A. No, I didn't get no calls that  
16 day for anything.  
17 Q. Did you notice any haze during  
18 the day other than that one period  
19 you talked about before?  
20 A. No, it was just --- matter of  
21 fact, it would clear up. Like I say,  
22 when I left there at 3:30, it was so  
23 clear. I mean, it was clear, clear,  
24 I mean, all over the place. And the  
25 belt --- I noticed the storage unit.

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01 It was, like I say, in excellent  
02 shape. There was no off --- nothing  
03 that looked like it was running or  
04 rubbing or anything like that. It  
05 was just --- I mean, I didn't see  
06 anything. And I noticed personally  
07 myself when I walked by. I really  
08 took a look at it because I can just

09 see it right now.

10 Q. You wouldn't have happened to  
11 eat lunch at that time or been away  
12 from the belt for some reason?

13 A. No, I was there all this day.

14 Q. So that belt wouldn't have  
15 been off any time that you would have  
16 known because of the CO ---?

17 A. I know the belt wasn't off  
18 that day. I know once Dusty got in  
19 the box and --- as far as I know, as  
20 far as my knowledge goes, that they  
21 ran all day until 3:30. Then they  
22 called me up and said, Carl, we're  
23 turning the longwall belt off for 20  
24 minutes. And that's my knowledge of  
25 it.

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01 Q. That haze you described  
02 earlier, that was in the morning, the  
03 19th?

04 A. Yes. It was around ten  
05 o'clock, something like that, in the  
06 morning. Because I know the belts  
07 were running then. It was before  
08 Dotson got there. But I checked it  
09 four times. And I went around that  
10 four times because I said, I want to

11 find this problem. I got to find out  
12 what's making this haze or fog or  
13 whatever. And like I said, that  
14 motor, it just kept on making a real  
15 roar (makes sound effect), and I  
16 thought, my goodness, we're going to  
17 lose a motor here, and then the whole  
18 thing is going to be ---. And I'd go  
19 down here to the storage unit and I'd  
20 look back up here to the mother drive  
21 and the haze was up there. And then  
22 I'd go --- come here up to here and I  
23 thought the haze was down here, and I  
24 thought, man, I can't figure this  
25 out. Is it here or is it here? And

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01 that's when I started checking motors  
02 and bearings and everything else.  
03 And when I say a haze, I mean, I  
04 don't even know what kind of word you  
05 could use for it, you know. I was  
06 telling the electrician about it, and  
07 he said something like a light fog or  
08 something like that. He said, that  
09 was nothing, you know, just a light  
10 fog or something, you know. But  
11 that's the only --- that's the only  
12 thing I could say, a haze or --- you  
13 know, it was just something that you



14 knew that was something in the air.

15 Q. Did you do anything to stop  
16 this haze from being produced, or did  
17 it just disappear?

18 A. I couldn't find anything.

19 Q. It just went away by itself?

20 A. Yeah, it just --- well, the  
21 fresh air, I guess, what --- you  
22 know, what took care of that. You  
23 know, when I saw the haze --- like I  
24 say, I can look at one place and it  
25 was clear and look at another place,

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01 it was clear. And it's hard to tell,  
02 you know, what is going on, you know,  
03 what --- where is this coming ---  
04 what's causing this thing, you know.  
05 And I just thought it was that motor.  
06 I thought it was the motor that I  
07 checked that had a 93 temperature on  
08 it.

09 Q. Do you know where the CO  
10 sensors were installed in the head  
11 drive area? Do you ever see them?

12 A. I think one of them was up  
13 there around --- normally they're on  
14 the belt line. I see them on the  
15 belt line and up there around Seven

16 tailpiece. On Seven belt I know  
17 there's one.

18 Q. Do you know how high they are  
19 off the bottom?

20 A. Oh, they're just on the belt  
21 line. They're just eyes' distance  
22 from you and level to your eye.

23 Q. About head level?

24 A. Yeah.

25 Q. Right alongside the belt or on

134

01 the rib?

02 A. Alongside the belt.

03 Q. On the belt?

04 A. Uh-huh (yes).

05 Q. Is it possible that this haze,  
06 if it had enough CO in it, was  
07 getting to the sensors; do you know?

08 A. I don't know. I have --- I  
09 don't know. The only thing I know,  
10 nobody called me that day and I heard  
11 no alarms or no nothing. And that's  
12 the only thing I can say is --- I  
13 mean, I just --- like I say, was it a  
14 haze? You know, was it a haze or was  
15 it a light fog or, you know, was I  
16 just thinking it was a haze, you  
17 know? Because when I heard this  
18 motor, that's when I started checking

19 my bearings. And I checked them four  
20 times, not one time but four times.  
21 I checked every bearing up there and  
22 them motors and trying to find out,  
23 you know, am I seeing a haze or am I  
24 seeing anything.

25 And I told Bryan Cabell when

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01 he come on, I said, now, Bryan, we've  
02 had problems here today and you need  
03 to be here, you know, to check this  
04 and watch this place and stay with  
05 it. And he said, okay, I'll be  
06 there. I'll be there in five  
07 minutes. I'm down here at Seven  
08 head. And I proceeded to walk off  
09 the hill and I know when I walked by  
10 that storage unit, it was perfect. I  
11 mean, it was just clear as crystal.

12 And when Mike Plumley and his  
13 crew come by there, like I say, I  
14 opened the door and I shut the door.

15 Remember we was talking about doors  
16 and opening? I opened that door for  
17 them and shut it. And Mike said,  
18 Carl, how are you doing. He  
19 proceeded on, and that's how clear it  
20 was. I mean, that's how it was and

21 --- for them men, you know, to just  
22 come by there and just say, hey, men,  
23 let's, you know, go to work. So  
24 that's the only thing I can say that  
25 happened right there at 3:30.

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01 And to me, you know, that  
02 motor is the only thing bothering me.  
03 I even told them guys up there. I  
04 mean, whoever come up, I don't care  
05 whoever come up, I said, man, we're  
06 going to lose this motor. This motor  
07 is going down. It just made that  
08 rough sound, you know. And I thought  
09 like an electrical motor or something  
10 like that would heat up, you know,  
11 and --- but anyway, when I would walk  
12 around and try to go here and try to  
13 go there and just see, you know, ---  
14 even when I checked the bearings, I  
15 said, if the bearings was hot, then I  
16 could see a bearing being hot or  
17 something like that. But there was  
18 no hot bearings. The bearings was  
19 not hot at all. I know on the  
20 storage unit, the bearings was in  
21 their 60s, maybe 63, 67. And I was  
22 impressed with that because I said,  
23 well, I know it can't be the bearings

24 because I mean they're at 63 and 67.  
25 It's, you know, a good reading. Now,

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01 if it was up to 90, 95 or 100, I'd  
02 say, my goodness, you know, we really  
03 got problems here. Because the heat  
04 gun --- you know, I use that heat gun  
05 all the time. I carry it all the  
06 time. And I'm always checking things  
07 with it. I'm always putting it on  
08 something.

09 And so the only thing I can  
10 say is I was there that day. We had  
11 that problem with the rock box  
12 gobbing out. I watched that. They  
13 had a problem with the winch box  
14 breaking. Then after 3:30, I  
15 contacted Bryan, told him that he  
16 needed to be there, and so ---.

17 Q. Thanks, Carl.

18 A. And if I was there, you know,  
19 any longer, then I could have give  
20 you a whole lot more stuff that I  
21 could say. But right now I could  
22 just speculate, you know, and tell  
23 you, well, in my experience, I can  
24 tell you this or tell you that. But  
25 like I say, if I was there that

01 night, like Bryan Cabell, he's the  
02 man that knows. If you get the truth  
03 out of him, you'll find the reason  
04 the storage unit did what it did.

05 Q. Okay.

06 A. Because he's the only one ---  
07 and the only thing I regret, that he  
08 wasn't there at 3:30, you know. I  
09 wished he was there because then I  
10 could testify he was there.

11 Q. Well, he called you at 3:30  
12 from the Seven head you said?

13 A. Yeah. Right. Yeah. He just  
14 called me on the phone. But see,  
15 that was five minutes.

16 Q. You didn't talk to him in  
17 person, you just talked to him on the  
18 phone?

19 A. No, just on the phone.  
20 Because I said, well, the belt is  
21 down for 20 minutes, and that's when  
22 I said, okay, since you're here, by  
23 the time I get right here, two or  
24 three breaks, you're going to be  
25 right here. And he said, it's okay.

01 He said, I'm right here now. He  
02 said, I'll be there in five minutes.

03 And then I just --- you know, after  
04 that, you know, ---.

05 Q. Okay, Carl.

06 MR. FRANCCART:

07 I'm going to let you  
08 take over, Bill, here a little  
09 bit. Mr. Tucker has some  
10 questions for you, and then  
11 I'll come back a little bit.

12 A. Okay.

13 BY MR. TUCKER:

14 Q. We'll probably be bouncing  
15 around a little bit, Carl, so just  
16 bear with me.

17 A. Okay.

18 Q. Some of these questions you've  
19 probably already answered somewhat,  
20 but I'll just get some clarification  
21 in my mind about it. You had

22 mentioned that you had got a call  
23 first thing that morning, when you  
24 had started on the Number Six belt?

25 A. Uh-huh (yes).

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01 Q. And you just got started and  
02 you got a call that the mother drive  
03 belt wouldn't start?

04 A. Yeah.

05 Q. Who called you about the  
06 mother drive?

07 A. Jeff Perry.

08 Q. Jeff Perry?

09 A. Uh-huh (yes).

10 Q. Okay. Now, how did you get  
11 there from where you were at?

12 A. I walked.

13 Q. Which route did you --- I  
14 mean, what route did you take to get  
15 from the Six belt ---?

16 A. I went up to --- yeah, Six,  
17 Six and Seven, a regular route.

18 Q. You just walked on down the  
19 belt line?

20 A. Yeah. You know, just walked  
21 straight up there.

22 Q. Up to the mother drive?

23 A. Yeah. Because I don't have no  
24 ride.

25 Q. All right.

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01 A. They was supposed to give us a  
02 ride. Hopefully, they will. Then we  
03 can cover more territory besides  
04 walking a half an hour, 40 minutes or  
05 an hour, hour and a half, you know.

06 Q. Once you got to the mother  
07 drive area that day, you had



08 mentioned you had pretty much stayed  
09 there all day?

10 A. Yeah.

11 Q. Did you ever leave and go to  
12 another belt or anything ---?

13 A. No, I never left there. I was  
14 never ---.

15 Q. Right there at the head, ---

16 A. Yeah. Uh-huh (yes).

17 Q. --- basically in the storage  
18 unit area?

19 A. Basically because of that rock  
20 that we was getting up there. And I  
21 didn't want to leave because I know  
22 if I'd leave, then they're going to  
23 have a gob-out. Then I'd be stuck  
24 like that other man, was that a  
25 90-minute shutdown? Well, there was

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01 rock coming into the rock box. And I  
02 said, well, I can't just leave here  
03 because I'm going to make sure this  
04 place don't gob out.

05 Q. All right. So you spent most  
06 of your time there ---

07 A. Yeah.

08 Q. --- where the mother drive  
09 belt dumps onto the Seven belt?

10 A. Right. Uh-huh (yes).

11 Q. What time did you get outside  
12 on the 19th?

13 A. About four o'clock I rode out  
14 with the longwall crew.

15 Q. About what time did you leave  
16 the mine; do you remember?

17 A. About 3:30. We went off the  
18 hill.

19 Q. When you do an examination on  
20 the belt --- you're the certified  
21 belt examiner, so when you do an  
22 examination on the belt, then when  
23 you get outside, if you call your  
24 report out, what do you do? When you  
25 get outside, do you look at the book

143

01 to see if they put in what you called  
02 out and sign the book or what do you  
03 do once you get outside?

04 A. Well, like you said, you just  
05 go up there and you sign the book,  
06 just sign your name, just your name  
07 and initial the belts that you were  
08 at that day, you know. My belts was  
09 Six, Seven and the mother drive.

10 Q. I know you've got different  
11 belts assigned to you, but as far as  
12 what time you're doing your

13 examination, if you examine a belt  
14 and you go out and look at the belt  
15 book, do you initial the belt that  
16 you examined that day?

17 A. Right.

18 Q. Okay. We've got a few copies  
19 of the preshift examiner's report  
20 we'd like to get you to look at. One  
21 is on the 19th of January of 2006.

22 MR. TUCKER:

23 If we can give this an  
24 exhibit number, Bill.

25 MR. FRANCAERT:

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01 Exhibit D, White.

02 (White Exhibit D marked  
03 for identification.)

04 BY MR. TUCKER:

05 Q. If you could look at this and  
06 tell me what your role in that  
07 examination was on the 19th.

08 A. My role on this day right  
09 here, like I said, I started at Six  
10 head, then there's Seven head and the  
11 mother drive. I wasn't in none of  
12 these other places.

13 Q. When you sign it when you go  
14 outside, I was just wondering, like

15 at the bottom here, where would you  
16 sign if you ---?

17 A. Might come off of the evening  
18 right here. I'd sign right there,  
19 the preshift mine examiner. I sign  
20 here every morning when I go in and  
21 here when I come out.

22 Q. Was there any reason why you  
23 didn't sign the book on the 19th?

24 A. Uh-uh (no). No, to my  
25 knowledge, you know, I thought for

145

01 sure I signed it, you know.

02 Q. Did you call your report out  
03 that day or ---?

04 A. Yeah.

05 Q. Who did you call it out to?

06 A. Bryan Cabell, right here.

07 Q. Okay. Do you remember what  
08 time you called it out?

09 A. Yeah. It's about --- probably  
10 about --- approximately about maybe  
11 20 minutes after 2:00.

12 Q. When you left Six head going  
13 to the mother drive, which you had a  
14 problem there, so you were trying to  
15 get up there to get the longwall belt  
16 going, would you consider your walk  
17 down there an examination, or is that

18 --- or were you just going down to  
19 check out the mother drive that day?

20 A. I was just going to check out  
21 the mother drive, check out --- see  
22 if I can get it started.

23 Q. So after you got down and you  
24 stayed at the mother drive all day,  
25 you didn't go back and examine like

146

01 Seven belt and Six belt after your  
02 shift started, after you got to the  
03 mother drive?

04 A. Uh-huh (yes). I don't think  
05 --- I don't think I left there that  
06 day.

07 Q. Okay. I have a couple more,  
08 if I could get you to look at.

09 MR. TUCKER:

10 We'll call the next one  
11 Exhibit E, White. And it's a  
12 record in the preshift mine  
13 examiner's report for January  
14 the 2nd.

15 (White Exhibit E marked  
16 for identification.)

17 BY MR. TUCKER:

18 Q. And this is another report  
19 that you called outside?

20 A. Uh-huh (yes).  
21 Q. You had mentioned that you ---  
22 if you examine a belt and you do an  
23 examination and you're doing your gas  
24 test and doing an examination on like  
25 a preshift, that you would initial

147

01 the belts that you examined for that  
02 day?

03 A. Uh-huh (yes).

04 Q. By looking at that report, do  
05 you think that you examined any belts  
06 on that day?

07 A. When was this?

08 Q. January the 2nd.

09 A. Oh. How come my signature is  
10 not on here? I can't believe I  
11 didn't sign these things, you know.  
12 I'll tell you what, you might think  
13 I'm stupid for saying this, but there  
14 was two belts --- there was two belt  
15 books that was put out like this, and  
16 one of them, after a couple days,  
17 somebody said, hey, we can't have two  
18 of these belt books, we're going to  
19 have to use one of them. So one of  
20 them was put in the trash can. And  
21 this is --- one reason, because I  
22 know I signed them things when ---.

23 Q. Do you know how long ago that  
24 was that they had two and they put  
25 one in the trash can?

148

01 A. Well, it was approximately ---  
02 you know, like I say, like this  
03 writing here I'd say, you know,  
04 approximately, you know, January.  
05 Because I couldn't figure it out. I  
06 said, why do we got two books here.  
07 I was working out of one and several  
08 working out of other. Then there was  
09 another one. And that's the only  
10 thing I can figure out. There was  
11 those two. So we started one. But  
12 matter of fact, I started one book  
13 and somebody else had come in and  
14 instead of starting the one I had,  
15 they started another book. So I know  
16 that was a problem. Instead of  
17 keeping one book, there became two  
18 books.

19 Q. So you think there's another  
20 book besides --- for the belts there,  
21 that's a preshift and on-shift book  
22 for the belts, that there's another  
23 book for the belt examination?

24 A. There was. I know there was

25 two books. And then they got the ---

149

01 then they just started using one  
02 book. You know, you can't have two  
03 books. Just like when I come in, I  
04 know I started a new book. The other  
05 one was filled up and I started that  
06 new book, and then somebody else had  
07 come in and started another book. So  
08 I don't know how --- it must have  
09 went on two or three days there when  
10 we had two books instead of one.

11 OFF RECORD DISCUSSION

12 BY MR. TUCKER:

13 Q. Let's go back to the 19th just  
14 for a minute. I understand again  
15 that you were on Six belt, you got a  
16 call to go to Seven belt for the  
17 longwall belt call. So you went down  
18 and got that belt going and basically  
19 stayed there all day?

20 A. Uh-huh (yes).

21 Q. And you had mentioned that you  
22 didn't go back and do an examination  
23 of Five, Six or Seven belt.

24 A. Right.

25 Q. Now, the longwall belt, you

150

01 had mentioned that you were in the



02 drive area basically all day?

03 A. Right.

04 Q. And then at quitting time, you  
05 went to catch a ride, so you walked  
06 up to the cut-through?

07 A. Yeah, right there where they  
08 came through at.

09 Q. Which by that time you had  
10 already --- did you talk to anybody  
11 on the phone that day?

12 A. Just the dispatcher and Bryan  
13 Cabell, when I gave out my report  
14 that day.

15 Q. So you called out a report to  
16 Bryan?

17 A. Yeah. Uh-huh (yes).

18 Q. And what did you tell him?

19 A. I just told him we've had  
20 problems here all day long and told  
21 him that we was waiting for an  
22 electrician to come up here. And I  
23 told him first they haven't seen an  
24 electrician, so you need to come up  
25 here because Dusty was coming up here

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01 and he told me I need to stay there  
02 and not leave. And I said, you need  
03 to get up here, you know, for we need

04 somebody up here to watch this place.

05 Q. So basically what you called  
06 out to Bryan was you told him the  
07 problem that you had with the  
08 longwall belt ---

09 A. Yeah. Right.

10 Q. --- kicking off? Did you talk  
11 about anything else?

12 A. No, just that haze I was  
13 talking about. You know, I told him,  
14 you know, that I sort of seen  
15 something like a haze or a fog or  
16 something of those words, you know.  
17 And I said, you need to come up here,  
18 you know, and you know, just watch  
19 the place, you know.

20 Q. So that was you y'all's  
21 discussion about what was going on at  
22 the mother drive belt, ---

23 A. Yeah.

24 Q. --- not about anything on Five  
25 belt, Six belt, Seven belt?

152

01 A. No, there was nothing like  
02 that.

03 Q. No discussion on that?

04 A. No.

05 Q. Okay. Now, if you had made an  
06 examination of these belts and done

07 your gas test and looked for hazards,  
08 would you have initialed out by the  
09 side here the normal procedure for  
10 ---?

11 A. Yeah, but there's sometimes  
12 you don't initial, you know. I don't  
13 know sometimes, but I've always  
14 signed when I, you know, came in and  
15 got off. There's sometimes where  
16 nobody initialed anything. And I  
17 started writing on my on-shift report  
18 --- over here I started doing that  
19 here just, you know, on the book,  
20 started writing everything I did on  
21 the on-shift report.

22 Q. Do you know what direction  
23 that the air should travel on the  
24 longwall mother drive belt?

25 A. The only way I know, it should

153

01 travel from the face back towards the  
02 mother drive.

03 Q. Do you know what direction air  
04 was going on the 19th? Did you pay  
05 any attention or did you ---?

06 A. Well, that's what I said. To  
07 me, it's blowing uphill, you know,  
08 coming --- like the mother drive ---

09 I mean, the longwall is down here.  
10 The mother drive is up here. The air  
11 is coming uphill.  
12 Q. Be going from the face ---  
13 A. Uh-huh (yes).  
14 Q. --- outby toward the ---  
15 A. Mother drive.  
16 Q. --- mother drive ---  
17 A. Uh-huh (yes).  
18 Q. --- or the head?  
19 A. Yeah.  
20 Q. And normally, most days or all  
21 the time, that's what you noticed the  
22 air to travel?  
23 A. Yeah.  
24 Q. Did you ever check it as far  
25 as like clapping dust together or

154

01 anything to check ---  
02 A. No.  
03 Q. --- do anything to check the  
04 direction?  
05 A. No. I never heard of that,  
06 but I've learned something today.  
07 Q. Well, if you're not in high  
08 velocity or --- or was there enough  
09 air that you could feel it in your  
10 face?  
11 A. No, there ain't never been

12 that much air, unless you're going  
13 through a man door or a door.  
14 Q. I just wondered how you could  
15 tell that the air was actually coming  
16 that way.  
17 A. I just --- it just meant  
18 that's the way it came in, through  
19 the intake, you know, coming up  
20 towards, like you said, Two section,  
21 the main line and all that, instead  
22 of going down --- it definitely tried  
23 to come up, because it's coming in  
24 from --- it's coming in the mines  
25 that way.

155

01 Q. What type of detector do you  
02 carry?  
03 A. Well, I'll tell you what. To  
04 be honest with you, they have what  
05 they call spotters and they have what  
06 you call an Explorer 4. And I've  
07 used both of them. But there's times  
08 when they haven't had any and you  
09 didn't use anything, simply because  
10 they said, hey, we just don't have  
11 them, you know. If you go and say we  
12 all need a spotter, they say, we  
13 don't have them.

14 Q. Who gives those out?  
15 A. The dispatcher. And there's  
16 been times actually that --- I mean,  
17 where they go to, I don't know, but  
18 they said, man, we don't have one  
19 today, you know. But basically they  
20 just give you an old spotter that all  
21 it does is detect methane, no CO or  
22 no oxygen, just straight methane.  
23 That's basically what you will get.  
24 Q. Would that be like --- would  
25 you know the model number of that one

156

01 if you heard it, the one you said  
02 just detects methane?  
03 A. You mean the spotter? What's  
04 it, a CR or ---.  
05 Q. CSEC 102?  
06 A. Yeah. Something like that,  
07 yeah.  
08 Q. You're not sure. If you don't  
09 have a spotter, who do you tell? If  
10 you go to get one and they don't give  
11 you ---?  
12 A. The dispatcher.  
13 Q. I mean, have you ever told a  
14 foreman that ---?  
15 A. No. By the time you get down  
16 there and ask them for one, your ride

17 is gone. And everybody is in a  
18 hurry. You know, you come down there  
19 and you say, I need a spotter or I  
20 need this or that --- and an Explorer  
21 4 is something that you just --- I  
22 don't get. It's like, hey, man, this  
23 is just strictly for so-and-so, you  
24 know. And to me, they need to buy  
25 enough for everybody, do away with

157

01 the spotter and give everybody one  
02 that can use oxygen, methane and CO,  
03 not just give you a spotter, which  
04 really, you know, just detects  
05 methane. So I think they should,  
06 hey, man, let's put these on the  
07 shifts. I want to give everybody an  
08 Explorer 4. Give them something that  
09 will help, you know.

10 Q. Right.

11 A. And I know a lot of times, I  
12 would have just that little spotter,  
13 and I'd say, well, I can't check the  
14 CO. I can't check the oxygen, and  
15 here you are, you know, and you can't  
16 because your piece of equipment don't  
17 have --- and I mean, where did it  
18 ever come from to start with. Why

19 would they ever have something in the  
20 mines that just gives you a gas  
21 reading, you don't have the oxygen  
22 reading or the CO reading. Like the  
23 Explorer 4, see, the Explorer 4, you  
24 know, it shows you all of them.  
25 Q. Right.

158

01 A. And it's just, why can't  
02 everyone have one. That's what needs  
03 to be done. Everybody should have  
04 one, you know. Matter of fact,  
05 everybody should have their  
06 personal ---.

07 Q. Detector?

08 A. I mean, not just go in the  
09 dispatcher's office and say, I need  
10 --- buddy, I'm sorry, we don't have  
11 any. I've even seen where they've  
12 had to go upstairs and ask Gary Goff,  
13 the mine --- hey, Gary, hey, man, we  
14 got to have some rescuers. Well, you  
15 ain't got no rescuer, well, come up  
16 here and get mine. So I mean, that's  
17 something that definitely I'd like to  
18 see change where you would have one  
19 very day.

20 Q. Right. You're saying there's  
21 times that everybody may not have a



22 self-rescuer, the one ---?

23 A. Well, everybody has a

24 self-rescuer.

25 Q. You just said rescuer. Was

159

01 you talking about a detector or a

02 rescuer ---

03 A. Detector.

04 Q. --- when you was talking about

05 Gary Goff?

06 A. Did I say rescuer? I didn't

07 mean to say that.

08 Q. You meant detector?

09 A. Yeah, I meant the Explorer 4

10 detector. I don't know why I said

11 rescuer for.

12 Q. So have you ever mentioned

13 anything to Gary about, I don't have

14 a detector or why can't I get an

15 Explorer 4 or ---?

16 A. No. He just got there

17 recently, and I've hardly ever said

18 anything to him. You know, he stays

19 to his self and we stay to ourself,

20 and hardly ever anybody even talks to

21 him or he talks to anybody else.

22 It's just a situation where everybody

23 is distant.

24 Q. Have you mentioned it to your  
25 immediate supervisor? Is he aware

160

01 that you only have an instrument that  
02 detects methane when you can get one  
03 ---?

04 A. Yeah, I think he's definitely  
05 aware of it.

06 Q. And who is your immediate  
07 supervisor?

08 A. Jeff Perry. And why Jeff's  
09 not been there long either. He just  
10 came over from another mine. And I  
11 don't see why the dispatcher --- he's  
12 the man that's in charge of them. He  
13 puts them on charge. He's the one in  
14 control of them. Why don't he say,  
15 hey, man, we're going to get some  
16 more, tell the person, whoever, hey,  
17 we're going to get some more, instead  
18 of just telling people, hey, man, we  
19 don't have any, you know. I mean,  
20 where did they go to, you know? Who  
21 did they go to when they don't have  
22 any? But very seldom --- I may have  
23 took an Explorer 4 in the mines one  
24 or two times. It's always just been  
25 a spotter, you know, just a methane

161

01 detector. I wonder why can't I have  
02 one of them. Well, we don't have  
03 that many to go around, you know.  
04 And what they do have they're keeping  
05 maybe locked up somewhere for just  
06 other people can use them, you know,  
07 like a mine foreman or a general  
08 manager or superintendent or  
09 whatever, you know. I mean, they  
10 always get what they want, you know.  
11 They see somebody like me and they  
12 say, here, Carl, here's your spotter.  
13 And then you go back another day,  
14 well, Carl, I'm sorry, buddy, we  
15 don't have anything. Everybody's got  
16 one, but you don't ---.

17 Q. How often does that happen?

18 A. It's pretty --- it's happened  
19 more than onced, more than onced  
20 where they could say, well, we just  
21 don't have any. And I think to  
22 myself, why don't you get some, you  
23 know. I mean, why don't you get the  
24 good ones? Get the good ones and  
25 don't just lean on that little

162

01 spotter, you know, to give people  
02 like me. They look at me as just to

03 say, well, you're just a belt  
04 examiner, you know. This one belongs  
05 to this guy, the mine foreman. This  
06 belongs to the section foreman. This  
07 belongs to this guy and this guy.

08 And they look at people like me as  
09 just to say, well, here, you can take  
10 this old spotter with you.

11 Q. If you were to get called ---  
12 if you had an alarm on the CO system  
13 and you had high levels of CO, if you  
14 only had a spotter, do you think  
15 there was any way you could go there  
16 and tell if you had CO?

17 A. Not with just a spotter you  
18 couldn't.

19 Q. So do you feel like you can do  
20 an adequate examination without  
21 proper equipment to check for ---

22 A. No.

23 Q. --- methane, CO and oxygen?

24 A. Personally, you know, I think  
25 whoever can have the authority to

163

01 say, hey, man, let's do away with  
02 these things that's obsolete and get  
03 somebody something in there that ---  
04 because it's bad when you go in the  
05 mines and they say, hey, we don't

06 have any. I thought, my goodness,  
07 you know, here I'm going in the coal  
08 mines, what am I supposed to do just  
09 because I don't have any. And like  
10 an Explorer 4, I mean, it's almost  
11 impossible for them to give somebody  
12 like me an Explorer 4, you know.  
13 It's always just something they can  
14 pick up laying around. They got to  
15 buy enough for everybody, you know.  
16 If I'm required to have one, looks  
17 like they'd be required to give me  
18 one instead of me just not having any  
19 or getting what's left over, you  
20 know. I mean, I wouldn't know what  
21 to do if I could get me a good  
22 detector every day, knowing I had  
23 this security with me that I could  
24 check for oxygen, methane and CO,  
25 then I'd have that piece of mind, you

164

01 know.

02 Q. As an examiner, you have to  
03 have proper equipment to do a proper  
04 examination. And when you call out  
05 your report in an area that you're  
06 examining, you know, you need to be  
07 able to call out the true conditions

08 and for sure make that statement if  
09 you're putting that the area is clear  
10 and you're calling those conditions  
11 out.

12 A. Yeah.

13 Q. So you need the ---

14 A. I believe ---.

15 Q. --- proper equipment to be  
16 able to do that.

17 A. I believe after all this, if  
18 I'm still working there, if I'm still  
19 there, that there will be a lot of  
20 changes made. And I believe if you  
21 just say, I want an Explorer 4,  
22 probably it's going to be given to  
23 you. I believe they --- they're  
24 serious right now about improving  
25 things and getting you rescuers and

165

01 getting you detectors and getting you  
02 proper equipment, your safety  
03 glasses, whatever, your gloves and  
04 hard-toe shoes. They're real serious  
05 about this. Now, this has brought  
06 attention to a lot of people. And I  
07 believe that hopefully I'll get to  
08 keep my job and do what I'm doing and  
09 I'll have my own Explorer 4. And if  
10 I don't have one, I will go to the

11 general manager and say, hey, man, I  
12 want one whether you like it or not,  
13 you know what I mean? I just got to  
14 have one.

15 Q. Right.

16 A. But a lot of times, you know,  
17 you just try to hold onto your job.  
18 You can't talk back too much because  
19 then they can say, well, we just  
20 don't need you anymore, you know,  
21 we're just overmanned and we just got  
22 to make a shift alignment or  
23 something like that and tell you,  
24 well, we just decided we're going to  
25 cut our beltman short, you know. So

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01 you try to say, well, I've got to  
02 keep a job, you know, so when they  
03 say, well, we don't have any, well,  
04 that means you got to go in the mines  
05 without one, you know.

06 Q. I need to ask you just a  
07 couple more questions about on the  
08 19th, when you were in the mother  
09 drive area. Did anybody else come by  
10 you that would have been making any  
11 type of an examination of the belt?

12 A. Yeah, John --- yeah, John

13 McNeely (phonetic) came by. He was  
14 the air --- the airway walker, the  
15 man who checks the airways.

16 Q. So where did he go?

17 A. Well, he came up --- I was on  
18 the other end, where the splitter is,  
19 and I was there right by the phone.

20 And he come over at a distance, say  
21 40 feet, say, hey, is that you, Carl.

22 I said, yeah. And he just backed off  
23 and went on outside where he's  
24 already been up there walking the  
25 airways at Two section and wherever

167

01 he's been walking at, you know.

02 Q. So he wasn't walking the  
03 belts, he was walking the travelways  
04 and airways?

05 A. Yeah. Right. I imagine he  
06 walks some belt, too, but I don't  
07 know. All I'm saying, I can tell you  
08 that they said John McNeely walks the  
09 airways and it used to be the mine  
10 foreman.

11 Q. Okay.

12 A. And he was up there that day.

13 He can testify to you that there was  
14 nothing, because definitely if there  
15 was something there he'd say, hey,



16 Carl, what's going on here, you know.

17 But there was nothing going on that

18 anybody could say, hey, man, man,

19 what are you doing here, you know?

20 Just like when Three section

21 --- Two section come in here, Plumley

22 --- I mean, the section foreman, you

23 know, I mean, he and I just spoke to

24 each other. I opened the doors for

25 him and I closed the doors for him.

168

01 They just went on through. So

02 anything that happened --- matter of

03 fact, there's so much went wrong that

04 day. I mean, I don't know about this,

05 but the mantrip broke down. Can you

06 imagine a mantrip breaking down right

07 there, where all this stuff took

08 place? See, I heard about that, but

09 I don't know it. I didn't see it

10 when I left there. There was no

11 mantrip there when I left at 3:30.

12 So between 3:30 and 5:00, somebody

13 has got this thing broke down up

14 there, and then that was a problem.

15 But all this is just, you know,

16 things that I've heard, what I've

17 heard somebody else say.

18 Q. Do you recall anyone working  
19 at the power center before Dusty  
20 Dotson got there?

21 A. No, nobody did nothing to it.

22 Q. You didn't see anybody prior  
23 to Dusty ---

24 A. No.

25 Q. --- working on it?

169

01 A. No.

02 Q. Do you remember what time you  
03 opened the doors for Two section?

04 A. Yes, around maybe 3:20,  
05 something like that, 3:30, around in  
06 there. Everybody says it's quitting  
07 time. That's when I was getting  
08 ready to leave. They was supposed to  
09 have been at work --- they leave the  
10 outside at 3:00 and they was coming  
11 through there around 3:30. Matter of  
12 fact, they was early that day,  
13 because usually you don't get back  
14 there in half an hour.

15 Q. On the fire on the 29th you  
16 mentioned you had told Jeff Perry  
17 when you got outside about the fire.

18 A. Yeah.

19 Q. What took place in that  
20 discussion?

21 A. Nothing.

22 Q. He didn't ask about ---

23 A. Nothing. I said, Jeff, we had

24 a fire ---

25 Q. --- the fire?

170

01 A. --- on Five belt. He did not

02 say nothing, nothing.

03 Q. Didn't ask how long it burned?

04 A. Didn't ask nothing.

05 Q. Nothing?

06 A. Just except, okay, you know,

07 you put it out, fine. He didn't say

08 anything. Absolutely nothing.

09 Matter of fact, the only thing he

10 told anybody, it got out by word of

11 mouth to the superintendent. He

12 said, I never heard anything about

13 it. I didn't know anything about it.

14 And I thought when I told Jeff, I

15 thought everybody in the mines would

16 know about, especially the top people

17 up in the office, you know, since

18 they're all up there rubbing

19 shoulders with each other all day

20 long. I thought that would be the

21 first thing he'd do is go tell, you

22 know, the other officials.

23 Q. Do you remember that night,  
24 when you called your report out, did  
25 you call a report out on the belt

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01 that night, as far as an examination,  
02 the 29th? Was you working in the  
03 capacity of a belt examiner that  
04 night?

05 A. Yeah. And ---.

06 Q. Do you know who you called  
07 your report out to?

08 A. Tom Adkins.

09 Q. Did you mention to him that  
10 you had had a fire?

11 A. I'm pretty sure I did. I told  
12 about everybody, everybody that I  
13 come in contact with.

14 Q. Would you have expected for  
15 that to have been recorded in the  
16 book? I mean, that's a pretty  
17 hazardous condition, a fire?

18 A. Yeah. Well, this is another  
19 story, too. Yes, I definitely  
20 believe that should have been  
21 recorded in a book, but evidently it  
22 wasn't. Like I'm saying, ever since  
23 I've been there, it's always just  
24 been clean and dust, clean and dust.

25 And I've questioned that, too.

01 I said, now, why don't we write  
02 something in there besides clean and  
03 dust. Like when I went to the belt  
04 examiner's class, when they showed  
05 you your reports and they just said  
06 that you maybe a pile of dust or  
07 something right here at Seven break  
08 on Four belt needs to be cleaned up  
09 or maybe they have, you know, a  
10 roller that's stuck and needs to be  
11 replaced, I mean, they'd actually put  
12 down stuff in the book, hey, this is  
13 the problem we had. But there it's  
14 the same old thing over and over.  
15 Everything you write down is just  
16 clean and dust.

17 Q. You realize that as the belt  
18 examiner, though, when you fill your  
19 report out, that you can put down the  
20 conditions that you find?

21 A. Uh-huh (yes). Well, I know  
22 that now. I know --- like I said, if  
23 I get to keep my job, if I keep  
24 working there, I'm going to be a way  
25 better worker than I've been in the

01 past. Because basically there has

02 been no training. It's just, hey, go  
03 to work, you know.

04 Q. Do you recall who trained you  
05 when you got your belt examiner's  
06 card?

07 A. I can honestly say that my  
08 training was you just, you know, go  
09 out and grease and clean and check  
10 your bad rollers.

11 Q. I mean, as far as preparing  
12 for the test, what did you do to  
13 prepare for the test?

14 A. Oh, I went to school, belt  
15 examiner school.

16 Q. Who taught it?

17 A. Over at Williamson.

18 Q. Do you remember who taught the  
19 class?

20 A. Man, I'd be guessing. It's  
21 been so long. It's been probably  
22 five years ago.

23 Q. Was there other people in the  
24 class with you?

25 A. Yeah.

174

01 Q. Do you where it was at in  
02 Williamson?

03 A. Yeah. Right there in south  
04 Williamson.

05 Q. You don't recall the  
06 instructor's name?  
07 A. No. There's several of them  
08 there.  
09 Q. Where did you take your test  
10 at?  
11 A. Madison, Danville.  
12 Q. You go to the office and take  
13 the test?  
14 A. Yeah. Uh-huh (yes).  
15 Q. Do you recall what color the  
16 smoke was on the fire on the 29th  
17 that you helped put out?  
18 A. It was gray. It's a grayish  
19 color on the Five belt.  
20 Q. Do you remember what color  
21 fire hose you used?  
22 A. It was red or maroon or  
23 burgundy or whatever, you know.  
24 Q. And you say the ends of the  
25 fire hose blew off when you connected  
01 it together?  
02 A. Yeah, the bands. I'm talking  
03 about the bands. There are two bands  
04 that ---  
05 Q. Right.  
06 A. --- band your both ends off.

07 And when I hooked them up and put  
08 water pressure on them, they just  
09 went, boof.

10 Q. And you had a banding machine  
11 and bands with you?

12 A. No. I had a water clamp and a  
13 screwdriver.

14 Q. Regular water clamp?

15 A. Yeah.

16 Q. Did you ever notice any of  
17 that similar type water hose around  
18 the belt drive there at the mother  
19 drive?

20 A. Yeah.

21 Q. Have you seen it? Is it on a  
22 spool or in rolls or have you seen it  
23 in a walkway or ---

24 A. Well, from my experience, ---

25 Q. --- what do you recall

176

01 seeing?

02 A. --- when I went to the mother  
03 drive, there was belts just laying  
04 down around by the storage unit. And  
05 I've always wondered what was they  
06 for? What are they using them for?  
07 What are they doing with them? And I  
08 got them and rolled them up. I  
09 rolled them up in a regular roll and



10 hung them up on the rib right there  
11 at the mother drive. There was three  
12 of them. And then I went back maybe  
13 two or three days later and them same  
14 two hoses was taken off and took  
15 right back down by the storage unit,  
16 and both of them laid up and down the  
17 walkway there. I just left them. I  
18 said, I'm tired of --- because I can  
19 get them and roll them up, you know.  
20 Like I used to put them in the trash  
21 can or something like that. I'd just  
22 roll them up and put them on the rib.  
23 But I said, I'm not going to mess  
24 with it because every time I roll  
25 them up, somebody will come by and

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01 stretches them out again. I don't  
02 know who did that.

03 Q. Do you remember when that was?

04 A. I know the hoses was laying  
05 that day at the fire because they've  
06 been laying there for I guess a week  
07 or so. And matter of fact, I'd like  
08 to know who took them hoses out, why  
09 did they take them out for, you know,  
10 what was their purpose. They could  
11 tell you something if you knew who

12 took my hoses and unrolled them and  
13 stretched them out. But anyway, they  
14 was just laying all stretched out and  
15 just --- I mean, just completely  
16 unraveled.

17 Q. Did you work in the mother  
18 drive area the week of Christmas or  
19 did you work that week?

20 A. The week of Christmas?

21 Q. December 23rd?

22 A. No, I was on vacation. I took  
23 time off that week.

24 Q. Okay. Have you ever seen  
25 Dusty Dotson in any other boxes?

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01 A. No, no, that was the only  
02 time.

03 Q. Power centers?

04 A. Yeah, he's a new man, too. He  
05 just took over being the mine  
06 foreman.

07 Q. Have you ever noticed a belt  
08 rubbing any time before the day of  
09 the accident on that carriage  
10 unit ---

11 A. No.

12 Q. --- storage unit?

13 A. No. I was up there probably  
14 approximately, like I say, about four

15 or five weeks. I spent most of my  
16 time down on Rum Creek.

17 Q. Are you aware of any  
18 requirements on reporting a fire,  
19 say, to state and federal ---

20 A. No.

21 Q. --- if you have a fire?

22 A. No. I sure don't have nobody  
23 telling me anything about reporting a  
24 fire.

25 Q. Have you ever participated in

179

01 a fire drill?

02 A. Just walking the intake is  
03 all, from the face outside, I guess  
04 if you want to call it a fire drill,  
05 escapeway or whatever it was.

06 Q. Well, a fire drill would be  
07 like, say, if you'd go over --- an  
08 example, like if you have a fire on  
09 this piece of equipment, you know,  
10 what to do or in this area ---

11 A. No, I never had nothing like  
12 that.

13 Q. --- and explain to you the  
14 different firefighting equipment?

15 A. No, I never had nothing like  
16 that.

17 Q. You may have answered this,  
18 but do you recall from the time that  
19 Dusty came to the power center, how  
20 long the belt was off until it  
21 started running?

22 A. Yes, approximately five  
23 minutes or so, because he was right  
24 there when it went off. He come up  
25 there and said, Carl, what's wrong.

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01 I said, our belt's off, land mines  
02 and tilt switch. Then I said, I've  
03 checked them out and there's nothing  
04 wrong with them. And that's when he  
05 proceeded to go in the box. And I  
06 truly cannot tell you what he did or  
07 what he used or anything.

08 Q. Do you recall --- you  
09 mentioned somebody from the longwall.  
10 You talked to them on the phone.  
11 They told you that they was going to  
12 shut the belt down.

13 A. Yeah.

14 Q. Do you remember who that was?

15 A. I'm pretty sure it was Larry  
16 --- he's a new man. He just got put  
17 up there. To me, it's Larry  
18 Browning. Larry Browning.

19 Q. Okay.

20 A. I'm pretty sure it's Larry  
21 Browning. He's a new man. He has  
22 just been there maybe about a month  
23 on that headgate.

24 Q. When Dusty was there with you,  
25 did --- was the haze in the area

181

01 while he was there?

02 A. No.

03 Q. Did you all discuss that?

04 A. No. There was no haze there  
05 whatsoever.

06 Q. Prior to ---

07 A. There was nothing there.

08 Q. --- him getting the belts  
09 running, there was nothing?

10 A. No, no. There was nothing  
11 whatsoever. Because definitely he  
12 would have noticed it, you know, he  
13 would have saw it, but he didn't.

14 Q. Do you have any idea how long  
15 it takes to rob the storage unit of  
16 the belt?

17 A. Well, I've never robbed a  
18 storage unit, but I would say it  
19 would take approximately one hour.  
20 That's what I've been told by the men  
21 who did it.

22 Q. You mentioned on the 29th,  
23 when you was fighting the fire, that  
24 you didn't have to put a rescuer on,  
25 ---

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01 A. Right.

02 Q. --- that you was in clear air?

03 A. Uh-huh (yes).

04 Q. Did you ever get into any  
05 smoke?

06 A. Well, it was a smoke, but it  
07 was a light smoke. I mean, it wasn't  
08 --- it was like somebody, you know,  
09 just smoking a cigarette or something  
10 like that, you know. That's what  
11 --- you could use that for an  
12 example. If everybody in here  
13 lighted up a cigarette, you know,  
14 you'd say, hey, man, they're smoking,  
15 let's don't smoke. That's the way it  
16 was. Because we just walked right  
17 down to the fire and put the fire  
18 out, and I continued working that  
19 night.

20 Q. So you could walk right up to  
21 the fire?

22 A. Yeah, walked right up to it.

23 Q. And was the smoke going away  
24 from you? You said there was a lot

25 of air there.

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01 A. No. The smoke was coming  
02 toward us. We was walking in the  
03 smoke, going toward the fire. Behind  
04 the fire was fresh air. Just like  
05 right here. Here's Number Two  
06 Fourway. The fire was here. The air  
07 was coming this way, up towards the  
08 mother drive, up towards the top of  
09 the hill there. And behind it was  
10 nothing but fresh air because the  
11 smoke was coming up.

12 Q. So you're coming from behind  
13 it?

14 A. No. We come in from the smoke  
15 end of it.

16 Q. Smoke end?

17 A. Uh-huh (yes). So common sense  
18 tells you, there couldn't have been a  
19 lot of smoke or we would have both  
20 been dead. I would have had my  
21 rescuer on. We didn't need to take  
22 it off. Of course, we got there, you  
23 know, soon enough to keep it from ---  
24 you know, it could have been, you  
25 know, actually a wildfire, but we got

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01 there, you know, before it had a  
02 chance to spread or get big. We got  
03 there in the time we could put fire  
04 extinguishers and rock dust on it. I  
05 completely put the whole thing out  
06 with one bag of rock dust, just one  
07 bag.

08 Q. That's after you done sprayed  
09 two fire extinguishers on it?

10 A. Fire extinguishers on it.

11 Q. Who found the fire first, you  
12 or your buddy?

13 A. Junior.

14 Q. Junior?

15 A. Junior. I mean, I was right  
16 behind him. I mean, we practically  
17 seen it about the same time. I was  
18 just right behind him. I mean, I was  
19 just speaking distance behind him.  
20 He said, over here, Carl. Here it  
21 is, right here.

22 Q. I know you're assigned a group  
23 of belts. What belts are you  
24 assigned?

25 A. Well, I've been assigned to

185

01 every belt in the mines, really, but  
02 we just had a changeover. They had a  
03 quick changeover that day, and I got



04 --- say about maybe two weeks they  
05 gave me Six belt and Seven belt. The  
06 mother drive belonged to Bryan  
07 Cabell, and Two section belonged to  
08 Junior Robertson. His name was  
09 Wyatt, W-Y-A-T-T, Wyatt Robertson.

10 Q. So when you call your report  
11 out, do you call out the conditions  
12 of the belt or just if you had  
13 problems or ---?

14 A. Yeah, if you have problems,  
15 you tell the man that you're, you  
16 know, calling the report out to. You  
17 call him and just say, man, we got  
18 this or that, you know, whatever it  
19 is, you know, on the telephone.

20 Q. So if you call a report out on  
21 a belt --- say if you call a report  
22 out on Six belt, does that mean that  
23 you walked that belt from one end to  
24 the other or that you've just been on  
25 that belt that night?

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01 A. That means I walked the belt,  
02 checking --- basically when we walk  
03 the belt basically all they tell us  
04 to check is rollers, and you look at  
05 rollers and splices, and you look at

06     rollers and --- especially the bottom  
07     rollers and if they're stuck then  
08     they want you to drop them for the  
09     third shift come by and see them and  
10     put new rollers back in.

11             MR. TUCKER:

12             That's all I have for  
13     now. Thank you.

14             BY MR. FRANCAERT:

15     Q. Carl, have you ever examined  
16     the longwall belt before the 19th of  
17     January?

18     A. Yeah. I walk the belt every  
19     day.

20     Q. Did you ever look on the tight  
21     side of the belt to see if there was  
22     any accumulations on that side?

23     A. No, sir, I never did.

24     Q. Never looked on the tight  
25     side?

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01     A. No. I was just walking up the  
02     walkway side.

03     Q. Do you examine the tight side  
04     of any belts that you examine or just  
05     the walkway side?

06     A. Just the walkway side. That's  
07     what we always usually do is just  
08     walk them one time.

09 Q. You mentioned before, you said  
10 that management at Aracoma was  
11 serious right now about safety.

12 A. Uh-huh (yes).

13 Q. Do you think that their  
14 attitude toward safety has changed  
15 since this fire?

16 A. Yes, I definitely believe it  
17 has.

18 Q. What makes you think that?

19 A. Well, they're telling us now,  
20 hey, you better keep your safety  
21 glasses on. If you're caught without  
22 your safety glasses, you're going to  
23 have some disciplinary actions. You  
24 know, you're going to have to have,  
25 you know, gloves. And man, they're

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01 really emphasizing gloves right now.

02 They say, we want to see you with  
03 gloves on, the gloves we give you.

04 They say, we don't want to come  
05 around and see you with no gloves.

06 So they're emphasizing gloves and  
07 glasses and rescuers. I mean,

08 they're real heavy into rescuers

09 right now, make sure everybody knows

10 how to put one on, make sure

11 everybody's had the hands-on  
12 experience where they've actually put  
13 the rescuer on in the dark. You  
14 know, they put us in a dark room and  
15 give us two minutes to put our  
16 rescuer on. And you don't quit until  
17 you do it right in two minutes.

18 Q. The gloves, did they give you  
19 those before the fire occurred or is  
20 that something new?

21 A. What's that now, sir?

22 Q. The gloves.

23 A. Oh, the gloves? I've always  
24 had gloves. They've always given you  
25 gloves. They give you free gloves.

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01 I mean, it's always been the policy  
02 with Massey that they furnish your  
03 own gloves. Matter of fact, I have  
04 wore my own gloves before, and out at  
05 Performance Coal I had a mine foreman  
06 say, Carl, you can't wear them, we  
07 furnish you gloves. So they want you  
08 to wear their gloves and not yours  
09 or ---.

10 Q. That's not a change from  
11 before the fire?

12 A. Oh, no, that's just the way it  
13 was before the ---.

14 Q. What's changed, though, since  
15 the fire that makes you think that  
16 there's a change in ---?

17 A. Well, right now they're  
18 putting an emphasis on that we want  
19 you to wear your gloves. We want you  
20 to wear your safety glasses. You  
21 know, we want you to, you know, wear  
22 your rescuer.

23 Q. So it's a reminder of the  
24 things that have always been in  
25 place?

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01 A. Yeah. I heard them talking  
02 the other day, said, make sure you  
03 wear your gloves. Says, anything you  
04 do, make sure you wear your gloves.  
05 Because you know, you have --- people  
06 have a lot of finger injuries and  
07 stuff like that. So if I hear  
08 cracking, I'll say, hey, man --- and  
09 like you may hurt your eye or  
10 something, and they're saying, hey,  
11 man, we can't go through this no  
12 more. This is --- we cannot repeat  
13 ourselves over and over and over  
14 again. So let's get them glasses on,  
15 let's get them gloves on and, you

16 know, get them rescuers on. From now  
17 on, nobody lays their rescuer down,  
18 nobody hangs it up somewhere. You  
19 put it on and wear it. So I know  
20 they're emphasizing that real strict.

21 Q. That's good. You mentioned  
22 before you found hoses rolled out and  
23 you rolled them back up and hung them  
24 and they got rolled out again. And  
25 you got tired of doing that, of

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01 course.

02 A. Right.

03 Q. Did you mention that to  
04 anybody or ask anybody who was doing  
05 that?

06 A. Yes, Jeff Perry, my boss.

07 Q. What did he say?

08 A. Nothing.

09 Q. Did you ask any of your  
10 co-workers or other shifts?

11 A. No, I just --- I said, Jeff, I  
12 said, man, I don't --- like I said,  
13 I'm trying to keep these fire hoses  
14 --- keep them rolled up, I said, up  
15 there at the mother drive. I said,  
16 man, I did it up there. And I said,  
17 no sooner than I did it, somebody  
18 will come by me and, you know, roll

19     them right back out.  So I just left  
20     them laying.

21     Q.  It seems odd that somebody  
22     would just unroll a hose for no  
23     reason.

24     A.  Yeah.  Right.  Uh-huh (yes).  
25     Right.

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01     Q.  Do you think there was a  
02     reason that they were rolled out?

03     A.  That's what I'd like to know.  
04     And the only person that could tell  
05     you that is who did it, you know, who  
06     rolled the hoses out.

07     Q.  What would you use a fire hose  
08     for besides extinguishing a fire?

09     A.  I don't --- that's the only  
10     thing I know, you know, to extinguish  
11     a fire.  I mean, I --- of course,  
12     I've seen instances where you could  
13     put a water hose on a hot bearing,  
14     you know, and just --- I mean, a  
15     bearing that's not burning or  
16     anything that is hot and you say,  
17     well, I'm going to, you know, cool  
18     this thing down so you put the water  
19     hose on it, and it will take it down,  
20     down, then it will continue running.

21 I know I --- that's for a fact, you  
22 know.

23 Q. Have you seen that happen?

24 A. Yes.

25 Q. Have you done that?

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01 A. Yes, I have.

02 Q. Have you been instructed to do  
03 that before?

04 A. I don't know if I've been  
05 instructed to, but I had a bearing  
06 that was, say, maybe running about  
07 95, and I thought, well, I'm going to  
08 keep it cooled off for the shift  
09 change, you know, until the third  
10 shift comes on. Then I'd hook up a  
11 water hose and just drop a little bit  
12 of water on it, and it will cool  
13 down, I mean, real cool. I mean, it  
14 would cool, cool, you know. Then  
15 third shift would come on and then  
16 they'd change it out. And you always  
17 tell somebody, you know, then they'd  
18 come by and replace it if you told  
19 them you did something like that.

20 Q. Are you aware of anyone that  
21 uses fire hoses to clean coal  
22 accumulations instead of shoveling?

23 A. Well, I tell you for a fact I



24 have done it, but I prefer shoveling.  
25 But there's some places that you get

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01 so tight and so into places that you  
02 can use a hose. Like I've worked on  
03 Two head with a hose and I worked on  
04 --- let's see, that's Two belt, with  
05 a hose and the old longwall section,  
06 One head. One time the longwall  
07 section --- no, this was Two section  
08 belt. And the electrician said,  
09 well, the reason that don't run,  
10 because it's gobbled out, there's too  
11 much junk underneath the belt. So I  
12 went up there and washed out under,  
13 you know. And later on the next day,  
14 the mine foreman --- of course, I  
15 called him at home. Matter of fact,  
16 I called the mine foreman at home and  
17 says, hey, man, Jesse Jude come up  
18 here and said this belt is not going  
19 to run until we get all this gob out  
20 from out under it. And I told him, I  
21 just went up there and took a water  
22 hose and washed out under it. And he  
23 got mad because he said, man, that's  
24 not the reason that belt wasn't  
25 running. He even said, if you were

01 the electrician. And there's one  
02 time I used it when it was up under a  
03 drive on Two section, where  
04 absolutely you could not get nothing  
05 under it, and the belt was just  
06 rubbing, rubbing, rubbing. And I  
07 took the water hose and got every bit  
08 of it out of there. Q. If you had an  
09 accumulation like that, you said it  
10 was gobbled out, would you report that  
11 as a hazard in your examination book?  
12 A. Yes, it should be reported as  
13 a hazard.  
14 Q. It should be. Have you ever  
15 reported that as a hazard?  
16 A. Well, like I'm saying, when  
17 we're there, the only thing I know is  
18 to dust and clean, dust and clean.  
19 And this --- well, I've even made  
20 comments about this, why don't we put  
21 stuff besides dust and clean, you  
22 know. And that's a question that I  
23 don't know, you know. Why don't they  
24 write down a problem in the belt?  
25 Like for instance, Number Six head,

01 you know, you had to use a water hose  
02 to clean it out or somebody did. But

03 when you fill out your reports it's  
04 always just dust and clean. And I've  
05 questioned that and I've said, why is  
06 it that we just put dust and clean.  
07 Why can't we put down something  
08 besides that? And they say, hey,  
09 man, it's just the way it is, you  
10 know.

11 Q. Who told you that?

12 A. Well, I don't know, just by  
13 hearing different people, you know.  
14 But if you check our book, which you  
15 all probably have, you'll look at  
16 them and all it's going to say is  
17 dust and clean, dust and clean, dust  
18 and clean. You'll see 99 percent is  
19 dust and clean, dust and clean. And  
20 I've questioned it, and I thought,  
21 man, why don't we write something  
22 down besides dust and clean. And  
23 that's a correction that definitely  
24 needs to be made, you know. Just  
25 like you said, me being a belt

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01 examiner, I should have the right to  
02 write something in that book besides  
03 dust and clean.

04 Q. Do you feel that you don't

05 have that right?

06 A. Well, I feel like, you know,  
07 they just want me to put down dust  
08 and clean, you know, dust and clean.

09 Q. Why do you feel that, though?

10 A. That's all everybody has ever  
11 put down because nobody does it,  
12 nobody writes down a problem. I  
13 mean, like I say, look at the books  
14 and the books will say dust and  
15 clean, dust and clean, dust and  
16 clean. And that's the way it was  
17 when I got there, and that's the way  
18 it is today. If you go down and  
19 check the books tomorrow, they'll  
20 probably just put dust and clean,  
21 dust and clean, dust and clean, even  
22 though you're going to go around the  
23 belt head right now --- we're  
24 shoveling belts right now. They  
25 could say inside --- the outside

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01 belts need to be shoveled, they need  
02 to be cleaned. But who goes in there  
03 and writes that down? But we're  
04 shoveling. I mean, I've worn myself  
05 out shoveling. So why don't people  
06 write down in that fire box, okay,  
07 man, we got a fall, a rib roll or

08 something on the outside at Two belt,  
09 break 14, write that down? But it's  
10 just dust and clean. This is  
11 definitely a correction that, hey,  
12 somebody says, hey, man, let's quit  
13 this dust and clean. Let's start  
14 writing down the problem. Then that  
15 way, when you write down the problem,  
16 then the next man who comes in and  
17 looks at that book, he says, hey,  
18 man, I see we got a rib roll down  
19 here. Let's go down there and clean  
20 it up. But it will stay there five  
21 years, you know.

22 Q. A rib roll, would that be  
23 reported in the book?

24 A. I think it should, especially  
25 when it's on the belt line. But

199

01 anyway, like I say, when I got the  
02 job, I was just told, hey, go do the  
03 belts, grease, clean, check the  
04 rollers. And that's all it was, is  
05 dust and clean, dust and clean, dust  
06 and clean. And I personally believe  
07 it needs to be deeper than that, you  
08 know. And I thought about myself,  
09 you know, here I'll shovel a pile

10 that spilled off the belt, you know,  
11 I thought, well, why can't that be  
12 written down in the books. Why can't  
13 it be written down in the books, you  
14 know, there's spillage on belt Four,  
15 break 25 or something like that? But  
16 if you go check the books out, it's  
17 just dust and clean, dust and clean.  
18 And somebody somewhere needs to say,  
19 hey, let's stop this dusting and  
20 cleaning and let's write down the  
21 problem and fix the problem. And  
22 believe me, they'd be a different ---  
23 any mines would be a different place  
24 to work if it would be done that way.  
25 Matter of fact, I don't see how

200

01 anybody gets by just putting down  
02 dust and clean, you know, dust and  
03 clean, when you got a whole belt line  
04 that's got work that needs to be done  
05 on it.

06 Q. I don't understand, though,  
07 Carl, you know you've seen these  
08 problems and I'm sure other people  
09 have seen these problems, other  
10 examiners and ---.

11 A. Yeah.

12 Q. Why is it that nobody puts

13 this in the book? Is there some ---?

14 A. Well, the only thing I can  
15 tell you, when I came there it was  
16 dust and clean, now when I came  
17 there. It's still that way today.  
18 If you go down and check the books in  
19 the morning, all you're going to see  
20 in there is dust and clean,  
21 additional dust, additional clean,  
22 that's all you're going to see. I  
23 don't care who walks the belts.  
24 Q. Coming from the other mine,  
25 did the other mine have those types

201

01 of ---?

02 A. I didn't know. I didn't know.  
03 I didn't know anything about it. The  
04 only books I've ever seen is these  
05 books right here. I've never had  
06 anything to do with examining. And I  
07 worked in one of those mines seven  
08 years and didn't do nothing but  
09 shovel belt. For seven years I did  
10 nothing but shovel belt and wore  
11 myself out. I have a buddy, he's on  
12 disability right now, in a  
13 wheelchair, disabled at 37 years old  
14 shoveling belt.

15 Q. Do you realize that since you  
16 are a certified person, that you're  
17 obligated to report hazards?

18 A. Yes, sir. I believe that ---  
19 I mean, common sense says so, you  
20 know. And like I said, if I continue  
21 to keep my job, they continue to let  
22 me work, it's going to be different,  
23 you know.

24 Q. So if you would find a hazard  
25 on the longwall belt, you would call

202

01 it out?

02 A. Right. Next time not only  
03 would I call it out, I'd take it out  
04 and I'd ride it up and say, hey, this  
05 is the fact, no more clean and dust.  
06 It's this, you know. We got this,  
07 and this right here needs to go in  
08 the book. And that needs to be  
09 changed --- I mean, like I'm saying,  
10 look at the books, you know. I'm not  
11 just telling you it's me. It's  
12 everybody, you know. I don't care if  
13 the mine foreman has been down there  
14 five years. You'll see what he'll  
15 write down. He'll write down clean  
16 and dust, additional dust, additional  
17 cleaning. It's never --- if you look



18 at our books, you'll think, hey, man,  
19 there's no problems, you know,  
20 because it's always just clean and  
21 dust. And here, I'm a new man, just  
22 come on, the first belt examiner's  
23 job I've ever had. And I questioned  
24 them when I came here. When I say  
25 them, I can't say whose name it was,

203

01 you know, was it the superintendent,  
02 the mine foreman or the belt foreman  
03 or whatever. I'd just say, man, I  
04 can't understand this. All we're  
05 doing is putting dust and clean. Why  
06 can't we write something down? You  
07 know, why can't we find a problem and  
08 write it down? I said, then that  
09 way, when the next man comes in he  
10 can say, hey, man, you got a problem  
11 here, let's go fix it.

12 Q. Well, what was the response  
13 when you asked that question?

14 A. Hey, just dust and clean.

15 Q. What exactly did they say,  
16 though? Did they say that's all we  
17 require?

18 A. That's all --- yeah. And I've  
19 heard several people saying --- I

20 can't name names because you see so  
21 many people, you know. And I've  
22 heard people say, hey, man, some day  
23 they're going to get caught up in  
24 this. I mean, this --- somebody is  
25 going to come in here --- some mine

204

01 inspector that's really --- you know,  
02 really going to come in here and say,  
03 hey, man, this has got to change  
04 right here. Every day I come in  
05 here, every day I check the books,  
06 it's just dust and clean. Then  
07 that's where the emphasis needs to be  
08 put, on whoever is in charge, the  
09 mine manager, the superintendent,  
10 mine foreman. Then they say, hey,  
11 man, from now on let's change this.  
12 It's more than dust and clean. I  
13 mean, you can't expect, you know,  
14 just walk the belts and walk the  
15 belts and walk the belts and just say  
16 dust and clean. Because right now,  
17 we're shoveling belt right now that's  
18 probably not been shoveled in five  
19 years. Now, how did this all  
20 accumulate? Because nobody has ever  
21 wrote it down, you know.  
22 Q. Can you give us just one name

23 of one person that's told you just  
24 put dust and clean in the book?  
25 A. No. Honest, I can't, because

205

01 there's been too many changes and too  
02 many peoples in and out. You know,  
03 it might have just been a co-worker  
04 that I worked with, like somebody  
05 like Walter Grimmett (phonetic) quit,  
06 you know, a long time ago, when I  
07 first came here. If anybody trained  
08 me, it was him. But he was a mess,  
09 you know, and been in jail and fired  
10 and everything else. If I had  
11 anybody train me, that's who it was,  
12 Walter Grimmett, you know. Of  
13 course, he's not here now. As far as  
14 I know, he's just a drunk, alcoholic.  
15 Maybe I shouldn't have said that.  
16 Maybe I shouldn't mention names or  
17 something. But anyway, if I was  
18 trained --- like everybody is saying,  
19 who trained you. That's what I was  
20 assigned to when I came here, you  
21 know. And then eventually they just  
22 got tired of him, you know, and let  
23 him go. Just an aggravating type of  
24 individual. Because I was trained --

25 - you ever heard the old story, if

206

01 the blind lead the blind, they both  
02 fall in the ditch? Well, I've been  
03 following the blind, and here I'm  
04 falling in the ditch because I have  
05 really never had no good information  
06 about what a belt examiner's  
07 requirements --- the only thing I've  
08 been required to do is walk the  
09 belts, grease and clean, walk the  
10 belts, clean and grease. And the  
11 next --- like I said, I don't know  
12 what they're going to do. I'm liable  
13 to get fired, I'm liable to do ---  
14 anything happen to me. But if I  
15 continue to do my job, I'm going to  
16 be the best belt examiner this mine  
17 has ever had. And when you come and  
18 see the books, you're going to say,  
19 hey, man, this guy here has learned  
20 something, you know. And if I wrote  
21 down there's a problem here and  
22 somebody tells me, hey, you can't do  
23 that, I'm going to say, well, I'm  
24 going to call MSHA. I'm going to  
25 call somebody that says I can do

207

01 that, you know. Because I know it's

02 way overdue, the books that we're  
03 responsible for. And like one man  
04 says, hey, man, it's --- somebody is  
05 going to come in here and it's going  
06 to be, hey, this is enough. But how  
07 many years it's been going on ---  
08 I've been here for 19 months, and I  
09 believe the mine's been here maybe  
10 five years, and it's been that way  
11 since I've been here. After this  
12 interview, I probably won't have no  
13 job. Probably have to go back to ---  
14 what was I doing before? Oh, yeah, a  
15 security guard. Lose everything I  
16 got.

17 Q. Can't think of anybody in  
18 particular then?

19 A. No.

20 Q. Just take a minute and see if  
21 you can ---.

22 A. Well, just like I'm saying,  
23 Walter Grimmett, when I first come  
24 there --- and he's not here right  
25 now, and he's not in the mines. When

208

01 I first started working with him, he  
02 was my instructor for approximately a  
03 year. He's the one that I was

04 assigned to, and he's the one that I  
05 worked with. And that's the only  
06 thing I can say, you know.

07 Q. Carl, would you mind if we  
08 take just a quick break?

09 A. Yeah, go ahead. And I'm going  
10 to take a break this time.

11 SHORT BREAK TAKEN

12 BY MR. FRANCAERT:

13 Q. We're going to try and move  
14 through here as fast as we can for  
15 you. You said that you expressed  
16 concerns to the company about the  
17 examinations and the conditions of  
18 the belt. Have you ever expressed  
19 anything toward the MSHA inspector of  
20 what your concerns were?

21 A. No, sir.

22 Q. Do you have some reservations  
23 in doing that?

24 A. Talking to an MSHA inspector?

25 Q. Uh-huh (yes).

209

01 A. This is the first time I've  
02 ever seen one here in this mine, in  
03 Millville. First time I ever seen an  
04 MSHA inspector.

05 Q. First time you've seen an  
06 inspector?

07 A. I've seen federal and state.  
08 Q. And state? You've never seen  
09 a state inspector?  
10 A. Yeah, I've seen federal and  
11 state. Federal and state inspectors.  
12 Ain't MSHA different than both of  
13 them?  
14 Q. There's an MSHA inspector for  
15 the federal government and then the  
16 state inspector for the State of West  
17 Virginia.  
18 A. Yeah, then there's a federal  
19 inspector; right?  
20 Q. Uh-huh (yes).  
21 A. Yeah, I mean, I've seen all  
22 kinds of federal inspectors and state  
23 inspectors, but from my knowledge,  
24 this is the first time I've ever seen  
25 an MSHA man during this time here.

210

01 Q. Okay. Yeah, MSHA is the  
02 federal inspector.  
03 A. Yeah.  
04 Q. Yeah.  
05 A. Yeah, okay.  
06 Q. You've never seen an MSHA  
07 inspector at the mine?  
08 A. Well like you say, I've seen

09 federal, you know, what they call

10 federal mine inspectors.

11 Q. Okay.

12 A. Okay? Then state mine

13 inspectors. Now, whether he had

14 M-S-H-A, I don't know. I just know

15 ---.

16 Q. I understand. I'm sorry.

17 A. Because I've got a good friend

18 that's a federal mine inspector and I

19 know several state inspectors.

20 Q. Okay. But you haven't --- you

21 haven't spoken to them about your

22 concerns?

23 A. No.

24 Q. Do you feel like you can't or

25 is it just that you haven't?

211

01 A. Yeah, basically it's --- you

02 know, you're just afraid to say

03 anything.

04 Q. Why is that?

05 A. Well, for fear of losing your

06 job. Like I've said a lot in here,

07 you know, and about how I feel the

08 books need to be controlled different

09 and I believe you know some other

10 things need to be controlled

11 different, like when you call the



12 reports, you know, state what the  
13 problem is, you know. Don't just say  
14 clean and dust, but if you have a  
15 problem, hey, this is a problem,  
16 write it down and get it done.

17 But anyway, I've ---well, just  
18 --- well, I've had a state inspector  
19 come by the other day, you know, and  
20 he grounded all the equipment so we  
21 had to walk out of the mines. There  
22 wasn't nothing you could say because  
23 you either walk or whatever you want  
24 to do, but I'm grounding this  
25 equipment, so we just had to walk

212

01 about an hour and a half. So what  
02 good would it do to say, hey, bud,  
03 you don't ground it 'til we get off.  
04 You know, wait until we get out of  
05 the mines anyway, then ground them.  
06 But I said well, if you ground them,  
07 we all going to walk.

08 Q. So what happened?

09 A. He grounded them and we walked  
10 out and nobody --- he said, no, I'm  
11 grounding them right now. I mean, he  
12 said you could walk, you know. It'd  
13 be good for you and stuff like that.

14 A great man though, I know him. I  
15 know his whole family and everything,  
16 a state inspector.

17 Q. Do you realize that you have  
18 protection under the law against  
19 retaliation if you would report  
20 things to MSHA or the state?

21 A. No, I didn't know before. I  
22 thought maybe if you said something  
23 or did something, you'd be  
24 automatically dismissed or fired. I  
25 didn't know you had any support, any

213

01 backing whatsoever. I didn't know  
02 anybody would even hear you if I say,  
03 hey, man, I got a --- I didn't know  
04 anybody would even hear, let alone,  
05 you know, give you support. So it's  
06 basically the system. Just like I  
07 say, when I come here, I got into the  
08 system and the system's probably been  
09 like this way before I got here, like  
10 the books and everything like that,  
11 you know. So you just followed into  
12 a system.

13 Q. Do you realize there's a  
14 hotline you can call to report  
15 hazardous conditions?

16 A. No, sir.

17 Q. And you can do it anonymously?

18 A. No.

19 Q. Why do you believe that there  
20 could be some problem in reporting  
21 that to MSHA, for you personally?

22 A. Well, just like if I go out  
23 there and report, like I see,  
24 something hazardous, you know, like a  
25 belt or something like that that I

214

01 say, hey, man, I seen this belt, it  
02 needs to be trained or it needs to be  
03 something and I've tried to train it,  
04 tried to do something. Then you go  
05 in there and write it down, then the  
06 system says, hey, it's just not done,  
07 you know. So all the system says is  
08 clean and dust. And I brought that  
09 up myself. I don't know how many  
10 times I said, I don't see how you can  
11 just write dust and clean. And I've  
12 even said this, I said, why don't we  
13 find the problem and write it down  
14 and get the problem solved.

15 Q. Have you said that to a  
16 supervisor?

17 A. Yes, I've said that and ---.

18 Q. Which supervisor?

19 A. We've been through so many of  
20 them. I would say Jeff Perry because  
21 he's my belt boss and everything. If  
22 I seen I'd say it to him. I don't  
23 even go over his head to go to  
24 individuals, with the mine managers.  
25 And if I had anything to say I'd say

215

01 it to Jeff.

02 Q. What's his response been to  
03 those questions when you've talked to  
04 him?

05 A. Nothing, no feedback  
06 whatsoever. Now, I don't know why  
07 now. Now, why isn't there no  
08 feedback. Just like I told him about  
09 the fire at Five belt, absolutely  
10 nothing. So maybe he's afraid.  
11 Maybe something bugs him that he  
12 won't say anything. He'll just say,  
13 keep your mouth shut, just don't say  
14 anything. Because he didn't even  
15 tell the mine --- the superintendent  
16 or the manager of the mines about the  
17 fire. I thought that would be the  
18 first thing he'd do. I thought the  
19 first thing he'd do is say, hey, man,  
20 we just had a fire here today. But I  
21 told him and there was nothing said,

22 absolutely nothing.

23 So when you have a problem and  
24 you go to somebody and you say the  
25 problem, it's just like shh, be

216

01 quiet, you know, let's just do  
02 something else. And I would say  
03 something, like, hey, man, we need  
04 to, you know, write the problem down.  
05 Just get away from dusting and  
06 cleaning, let's just write a problem  
07 down here, then put down when you go  
08 on the on-shift, they'll see that  
09 problem. And they just can't ignore  
10 it. They just can't say, well, hey,  
11 we just ignored that. They can say,  
12 hey, I got it and fixed it, I worked  
13 on it, I did something to it. But  
14 I've never seen it since I've been  
15 here. Never seen it.

16 Q. Did you see it at the other  
17 mine you worked at?

18 A. Well, like I say, I never did  
19 look at the books. This is the only  
20 place I've ever been involved with  
21 books at.

22 Q. Do you have access to the  
23 internet?

24 A. No, I don't, but my wife and  
25 daughter are geniuses at computers.

217

01 I have them in every room of my house  
02 and I don't even know how to turn one  
03 on.

04 Q. Maybe you can get some help.  
05 There are some places you can go to  
06 report hazards. I'm going to give  
07 you these two cards. One has the  
08 internet address and one has a phone  
09 number. It's a hotline to report.  
10 So you'll know now that you can do  
11 that anonymously. You don't have to  
12 have any fear about retaliation.

13 A. I'd be glad to you all my  
14 name. I mean, I'll say, hey, man,  
15 this is Carl White and I've just got  
16 a serious problem here. That's what  
17 I did the other night. I seen two  
18 weird people on the highway, one  
19 walking out in the middle of the  
20 highway flagging me down. The one  
21 man over in the car, and I said well,  
22 this is a setup for sure. I said,  
23 I'm definitely not going to get out  
24 and get robbed and get killed. I  
25 went straight to the house and called

218

01 911. I said I wish you'd send this  
02 deputy sheriff or state police down  
03 in Holden here because there's some  
04 problems down there. There's a woman  
05 out in the middle of the road  
06 flagging somebody and the man over  
07 here by the car. I thought man, once  
08 you stop, I mean, what they going to  
09 do, kill you, rob you. And I said,  
10 well, I'm just going to tell who I  
11 am, where I live and all that stuff.  
12 And I said, man, you send somebody  
13 out. I said I was afraid. I said I  
14 was just absolutely afraid, but I  
15 said if they need help, send some  
16 authority down there. So I called  
17 that when I saw a problem.

18 Q. Okay. Well, these hotlines  
19 are 24 hours a day so any time you  
20 want to call, feel free and leave a  
21 message. There's a recording there.  
22 You can call and leave a message.

23 A. You know since all this has  
24 happened, like this interview here,  
25 like I say, I may get fired, I may

219

01 lose my job and everything. But  
02 since this has happened, it's sort of

03 opened my eyes than there's more than  
04 just being a traditional coal miner,  
05 there's a lot of responsibility.  
06 There's a lot of things to check.  
07 There's a lot of things to be  
08 concerned about. There's a lot of  
09 things, you know, that has to be  
10 done. It just can't be the system,  
11 it has to be done right. And  
12 hopefully I can keep my job and be  
13 the best belt examiner they've ever  
14 had. You know I had a compliment.  
15 This is not being egotistical or  
16 nothing like that, but I worked over  
17 in Kentucky for seven years in one  
18 coal mine, I had a federal inspector  
19 call me over, named John Smallwood  
20 out of Kentucky. He came over to me  
21 and I said oh, my God, he's going to  
22 tell me something I did wrong. He's  
23 going to talk to me about safety.  
24 They usually talk to me about safety  
25 and guards and belts and stuff like

220

01 that. But he said you're the best  
02 beltman I've ever seen since I've  
03 been in the coal mines. Now, that's  
04 what I got from a federal inspector.  
05 And all I did was shovel belts.



06 That's all I knew how to do was  
07 shovel belts, you know. But anyway,  
08 that's the kind of recognition I got  
09 from him.

10 But here, you know, it's just  
11 --- if you'd look at these belts  
12 right now, you'd fire me because  
13 where I came from, you clean belts.  
14 And here, they ain't been shoveled in  
15 five years. Somebody said, hey, man,  
16 when you work for Massey, you don't  
17 have to shovel belt. I said, why.  
18 Because they got scrapers. When I  
19 worked for Pittston, I mean, I'm not  
20 bragging or anything, but I shoveled  
21 on my knees in low coal 42 years for  
22 seven years and they were spotless.  
23 I mean, you could lay down and not  
24 even get dirty, they were so nice and  
25 clean. Tuck your overheads. I tuck

221

01 here sometimes 9 to 11 heads. I  
02 greased them, went to the section,  
03 serviced the scoop and I just had an  
04 outstanding work record. Then when I  
05 came here to this place or any other  
06 Massey mines, I said, my goodness,  
07 don't they shovel belts, don't they

08 do anything to their belts, and it  
09 was just unbelievable. And now, I'm  
10 shoveling belt right now that should  
11 have been shoveled five years ago.  
12 Not just right now. It's taken this  
13 --- you take approximately --- say  
14 approximately ten men to shovel two  
15 breaks. I mean, ten men to shovel  
16 two breaks? One man should be able  
17 to shovel 20 breaks a day by himself,  
18 you know. So that's how bad these  
19 belts are. So why has it taken five  
20 years to do something that should  
21 have been done? My recommendation,  
22 they need to hire some belt  
23 shovelers, you know. Why don't they  
24 hire some belt shovelers? And hey,  
25 let's keep these belt clean. But

222

01 will they keep them clean. But  
02 anyway, I know right now, the belts  
03 are in conditions that are just  
04 indescribable and we're working on  
05 them and getting them cleaned. And  
06 right now we're shoveling Four belt,  
07 Three belt, Two belt and One belt and  
08 it all looks nice. I mean, they  
09 really buckled down and said, hey,  
10 boys, it's going to get done.

11 They've got all of Rum Creek cleaned  
12 real good. It looks excellent. Then  
13 they got it all dusted and hopefully  
14 the mines is going to stay that way.  
15 There's no reason why you should come  
16 back here a year ago and find the  
17 same old stuff just like it was  
18 before you got here, you know. But I  
19 know they're --- they've changed and  
20 hopefully it's going to be for the  
21 better, you know, because I enjoy my  
22 job. I know I'm green. I've been a  
23 belt examiner. I know that I  
24 probably did not write in that book  
25 by maybe initialing, signing and

223

01 writing down things that I should  
02 write. But I've only followed the  
03 system. I followed the system and I  
04 was brought up under a fellow that  
05 when you was working, he'd be  
06 sleeping. And that's the kind of man  
07 I was brought up with. So here the  
08 superintendent has to go get him out  
09 of jail two or three times and all of  
10 a sudden, they say, hey, man, we  
11 can't handle this. This is what I've  
12 been under. I mean, somebody just,

13 you know, let me do what I wanted to  
14 do, you know, and him just look up  
15 there and, you know, sleep and  
16 everything else, stayed drunk all the  
17 time. And that's what I've been  
18 under for about a year, but now he's  
19 gone and at least I don't think  
20 they'll ever have him back.

21 Q. What do you mean by the  
22 system?

23 A. Well, the system that's there  
24 right now that has just been there.  
25 It was there when I got there, I'd

224

01 say five years ago or six years ago  
02 when the mines opened. And it's just  
03 --- it's just that way no matter who  
04 gets hired tonight, if anybody gets  
05 hired tonight, they gonna fall right  
06 into that system there. They going  
07 to fall right in, for reports, you  
08 know, clean and dust, clean and dust.

09 Because every belt inspector we've  
10 ever had, we've had a bunch of them  
11 come here in this time that I've been  
12 there and there have been a lot of  
13 them quit, but it's always the same  
14 thing, clean and dust, clean and  
15 dust.

16 Q. Nobody's told you just do  
17 this?  
18 A. That's --.  
19 Q. That's an understanding?  
20 A. Right.  
21 Q. Under the law?  
22 A. That's just the system, you  
23 know, and of course you've got to see  
24 the system. Anywhere I've ever been,  
25 there's been a system and a man that

225

01 comes in, you know, he always just  
02 goes along with the system. And I'd  
03 like to see it, you know, go by the  
04 laws, you know. The law says, hey,  
05 it's going to be done this way. MSHA  
06 says it's going to be done this way.  
07 The state says it's going to be done  
08 this way. And that's the way it  
09 should be done. You know, let's  
10 write these problems down. Let's  
11 correct these problems. Don't just  
12 say, hey, man, don't write nothing  
13 down, just clean and dust, you know.  
14 And that's really aggravating me and  
15 bothering me, because you know that's  
16 all you're going to see in the book.  
17 Q. When you put that in the book,

18 do you actually go back and clean and  
19 dust?

20 A. Yeah, that's what we do there.

21 Now, I can honestly say that we do  
22 our cleaning to dusting.

23 Q. Let's go back to the 29th fire  
24 where you put it out with the rock  
25 dust. Did you have a CO detector

226

01 with you that day?

02 A. No. I don't --- no, see, that  
03 was one day I didn't have one. I  
04 looked at the CO monitor. See, that  
05 was one day I went in the mines and  
06 didn't have one, and that's the  
07 corrections that definitely needs to  
08 be made. One to actually say, why we  
09 don't have any of the --- the last  
10 one I gave it to so and so. And of  
11 all the says that I needed one, I'm  
12 pretty sure now --- I know I've ---  
13 I'm pretty sure I didn't have one  
14 that day because I just went by the  
15 CO monitor.

16 Q. What did the CO monitor say  
17 when you looked at it?

18 A. Well, the CO monitor, when I  
19 first looked at it, it was about 18.  
20 Then when we started putting fire

21 extinguishers or stuff like that, it  
22 went down to eight. From about 18 to  
23 eight. Then all of sudden, we put  
24 the water on it, then it went down to  
25 zero. So from 18 to eight to zero.

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01 Q. You said it wasn't a very big  
02 fire and it wasn't a lot of smoke,  
03 but in our investigation, there were  
04 people in that area that saw a lot of  
05 soot on the ribs. Was there another  
06 fire down there that could have  
07 caused that?

08 A. No.

09 Q. Was that the only fire you  
10 know of in that area?

11 A. Yes.

12 Q. Do you have any reason to know  
13 why there was heavy soot on the roof  
14 and the ribs down there?

15 A. I didn't --- you know, I've  
16 seen dark ribs since I've been there  
17 where nobody's dusted and then there  
18 when even dusted down, it was black,  
19 black-black. They might have called  
20 it soot, but it was just black where  
21 it hadn't been dusted.

22 Q. Okay.

23 A. I mean, the coal everywhere I  
24 was, I was in an inch of mud right  
25 there putting rock dust on it and it

228

01 was coal black. I mean, it probably  
02 hadn't been dusted in how long, you  
03 know. But there was no dust  
04 whatsoever and everything was black.

05 Q. When you had that 18 parts per  
06 million on the CO sensor, was there  
07 heavy smoke or light smoke?

08 A. Well, it was light smoke. I  
09 was in it. I was right there under  
10 the belt in it, so --- and it didn't  
11 bother me a bit. I mean, it didn't  
12 bother me a bit. While one man went  
13 to go to the telephone and try to get  
14 some helps, get some more fire  
15 extinguishers, I just sat there and  
16 put rock dust on it. So that's --- I  
17 mean, I was --- I mean, that was me.  
18 That's not hearing say, you know,  
19 man, it was bad, my goodness sakes  
20 alive, it was so bad, you couldn't  
21 stand it. But I was there. I mean,  
22 I was there at the fire under the  
23 belt putting rock dust on it, so you  
24 know, it couldn't have been that bad  
25 because it would have killed me. It



01 would have choked me to death where I  
02 had to get my rescuer and say, hey,  
03 man, I can't take this. I'm going to  
04 go get me some fresh air, I quit, I'm  
05 leaving. But I sat there and put a  
06 whole box of --- that same way and  
07 got two fire hoses, so you know it  
08 couldn't have been --- I mean, it's  
09 just absolutely, I'm mean,  
10 commonsense, too, you ain't going to  
11 go get fire hoses and rock dust and  
12 sit there and put out a fire if it's  
13 bad, you know. Common sense would  
14 tell you the smoke won't let you do  
15 it. But I was there. And the only  
16 reason Junior complained, God forgive  
17 me, but the only reason he complained  
18 was he just wanted to go home, you  
19 know. I mean, you run into that kind  
20 of situation every day. The first  
21 thing you know, oh, I'm sick, I've  
22 got to go home, I don't feel good. I  
23 don't feel like I want to stay the  
24 rest of the night. And the bossman  
25 was there, I said, now, Junior, I

01 said, if you think you're having a

02 problem, go out with Dave. Dave  
03 could give you a ride. No, I don't  
04 want to go, I don't need to go, just  
05 forget about it. And soon as the  
06 section foreman left, he says, hey,  
07 Carl, I don't feel like it, I just  
08 don't feel like doing this, I'm just  
09 going to go to the house. I said,  
10 why didn't you go out with Dave. I  
11 said, Dave would have gave you a  
12 ride. He walked out. Now, he can't  
13 be too sick if you're going to turn  
14 down a ride and walk an hour.

15 Q. Do you know if he got any  
16 treatment that day?

17 A. Sir?

18 Q. Did he get any treatment,  
19 medical treatment?

20 A. This I don't know. I don't  
21 know if he went over to Logan  
22 General. But I told him, I said,  
23 you're going to have to fill out an  
24 accident report, because you just  
25 can't go home, you're going to have

231

01 to go upstairs and tell somebody, you  
02 know, that you --- you know, you've  
03 been in smoke. But ---.

04 Q. He didn't tell you afterwards

05 about going to the hospital or  
06 getting oxygen or ---  
07 A. No.  
08 Q. --- anything like that?  
09 A. No.  
10 Q. Have you talked to him about  
11 it since then?  
12 A. Yes, yes. He's never  
13 mentioned anything about anything. I  
14 don't if he went to the hospital that  
15 night or not. He may have. He may  
16 have went there and got a doctor's  
17 excuse to, you know, cover him for  
18 missing work and walking out of the  
19 mines, I don't know.  
20 Q. Do you know if he missed any  
21 work?  
22 A. I think --- I think he was  
23 back the next morning. He come back  
24 to work the next morning.  
25 Q. Did you ask him how he felt or

232

01 anything like that?  
02 A. Yes. Well, he just said,  
03 well, I just --- you know, I can feel  
04 a little, you know, hoarseness in my  
05 throat or something like that, you  
06 know. But I've worked with him

07 practically every day. I've been  
08 shoveling belt with him practically  
09 every day. And he's just as normal  
10 as I am.

11 Q. We talked about the system.

12 You refer to the system as mine  
13 management. Who is the mine  
14 management?

15 A. Well, the mine management is,  
16 like you say, the superintendent,  
17 general manager, the mine foreman and  
18 all the section foremen. It just  
19 comes right down the line. Then  
20 somebody like me, I come in and fall  
21 right into it.

22 Q. Did you have a CO detector the  
23 day of the 29th?

24 A. No, I'm pretty sure I didn't  
25 have it.

233

01 Q. Did you have one on the 19th,  
02 on January 19th?

03 A. January? I don't think so  
04 because mostly every time I went to  
05 get a CO, they didn't have any. I  
06 mean, the detector. They'd always  
07 say, Carl, we just gave our last one  
08 to so and so and we don't have any  
09 more left. And there was a time

10 there that a lot of people. I mean,  
11 not just me, but a lot of people  
12 said, hey, man, we just don't have  
13 that, you know. And that's been a  
14 real problem, you know. And a good  
15 one, you never can get a good one. I  
16 mean, like an Explorer 4 or they can  
17 --- if I had one those two days, if  
18 they had anything left that day, if I  
19 could have just got anything that  
20 day, it would have been the spotter  
21 and it would have been nothing but  
22 methane. I still wouldn't have been  
23 able to either day, because they  
24 never gave me an Explorer 4.

25 Q. Do you know who calibrates the

234

01 CO detectors?

02 A. There was somebody come in  
03 there one day. I was up in the  
04 office one day and somebody come in  
05 and calibrated them, but I don't know  
06 who it was. I was up there in the  
07 office and asked them what they was  
08 doing. They said, we come here to  
09 calibrate your detectors.

10 Q. Was it somebody at the mine or  
11 was it a contractor?

12 A. I think it was an outside man,  
13 contractor, because this man, I  
14 didn't know him. I just asked him  
15 what was he going to do. And he  
16 says, I've come here to calibrate  
17 your detectors and stuff. Of course,  
18 I didn't even know they had to be  
19 that --- done that way, calibrated or  
20 anything. I just thought they was  
21 automatically a system that worked,  
22 you know, without having to, you  
23 know, calibrate them or anything.  
24 Q. The day after the 29th, which  
25 was December 30th, I guess; right?

235

01 Did you work that day?

02 A. Yeah.

03 Q. And how do you know that Jeff  
04 Perry didn't pass on the word about  
05 the fire to anyone else? Did he tell  
06 you he didn't or ---?

07 A. Well, nobody said anything to  
08 me. And later on when I started  
09 giving the word of mouth out that  
10 there was a fire, Junior gave a word  
11 of mouth of putting out the fire,  
12 then just recently, just a couple of  
13 days after this Alma fire, it came  
14 back, the superintendents said these

15 words, I didn't know anything about  
16 it. I had no idea there was a fire.  
17 So it didn't go no further than what  
18 me and Junior had said and I surely  
19 didn't go to the superintendent. I  
20 went to my immediate supervisor and I  
21 just told him.

22 Q. How much fire hose do you have  
23 stored at the Six drive?

24 A. Five --- about 500 feet.

25 Q. Do you know what color it is?

236

01 A. Yes, sort of reddish-burgundy.

02 Q. Red color?

03 A. Yeah.

04 Q. How do you store it there? Do  
05 you have it rolled up or is it ---?

06 A. Well, right now, I had it  
07 rolled up and hanging on sort of a  
08 pipe like thing, but now they're in  
09 garbage cans.

10 Q. Why are they in garbage cans?

11 A. That's what I don't know. I  
12 know the --- Jeff Perry brought up  
13 garbage cans and put it overhead and  
14 there was a lot of garbage in them.  
15 But he said, hey, man, I didn't bring  
16 them up there for garbage, I brought

17       them up there for the belts, you  
18       know, for the water hose.  And so  
19       there's supposed to be, what, 500  
20       feet and they're overhead.  We got a  
21       water hose in there now.

22       Q.  The fire you talked about, the  
23       superintendent not having any  
24       knowledge of it, that was the 29th  
25       fire ---

237

01       A.  Right.

02       Q.  --- you're talking about?

03       A.  Right.  Right.

04       Q.  Okay.  Have you ever had any  
05       formal training on how to use fire  
06       extinguishers?

07       A.  No, I really haven't.

08       Q.  Fire hoses?

09       A.  I've got a fire extinguishers  
10       in my house and I used one one time  
11       and kept my house from burning down,  
12       but I didn't have no experience with  
13       it at all.  I just (makes sound), put  
14       the fire out in my basement.

15       Q.  How about fire hoses?

16       A.  I never used a fire hose on  
17       the fire.

18       Q.  Rock dust?

19       A.  The rock dust.  I mean, a fire



20 hose on a fire. I've used fire hoses  
21 in the mines, you know. I'll talk  
22 about the subject at the home again,  
23 but I've used rock dust and all that  
24 stuff in the mines, everything  
25 available in the mines trying to put

238

01 a fire out. And like on that Five  
02 belt, everything that was available,  
03 fire extinguishers, rock dust and  
04 water line.

05 Q. So you've put out other fires  
06 before?

07 A. No, just this one. This is  
08 the only fire I've ever seen since  
09 I've been in the mines.

10 Q. How did you know to use rock  
11 dust?

12 A. Well, I've learned that from  
13 being --- going to school and my  
14 training and of course, that's why  
15 you rock dust the whole mines for to  
16 cover the dust and keep the dust and  
17 all this stuff down.

18 Q. Do you know if there was any  
19 production lost the day of the 29th  
20 when you had that fire?

21 A. I don't think there was.

22 Q. So the sections never were  
23 called to evacuate and they never  
24 left any production?

25 A. No. I just ---.

239

01 Q. You didn't stop the belt?

02 A. No, we just put it out so fast  
03 that it was just done, like I said,  
04 within 30 minutes, the time we  
05 gathered and do this, let's do that.  
06 And the fire, I mean, it was a fire,  
07 but it wasn't that bad. I mean, it  
08 wasn't something that oh, my God,  
09 what I am going to do. It was  
10 something, you go, hey, man, I'm just  
11 going to put it out, you know. I  
12 mean, I was right in the smoke so if  
13 it was bad, I would have choked to  
14 death, I wouldn't have ---. But  
15 anyway, like I say, I had my rescuer  
16 on my side and Junior had his rescuer  
17 and it was just a simple fire and we  
18 just went and put it out in a matter  
19 of 30 minutes.

20 Now, if it was out of control  
21 or something like that, I definitely  
22 would have called. I definitely  
23 would have said, hey, man, we got a  
24 fire here and let the situation go on

25 as ---. I mean, I definitely would

240

01 have did that. I wouldn't have sat  
02 there and let the whole thing burn  
03 up, you know. But if I really would  
04 have went there and I saw, hey, man,  
05 this is bad, it's out of control, I  
06 definitely would have got on the  
07 telephone and said, hey, boys, we got  
08 a bad fire here, let's evacuate the  
09 mines. I mean, I know I would have  
10 did that.

11 Q. What was burning on the 29th  
12 exactly?

13 A. Well, to me it was just the  
14 stuff that accumulated on the ground,  
15 you know, like old rubber and the  
16 coal and slate and muck and just  
17 whatever else that could get on the  
18 offside of the belt. Just like we're  
19 shoveling offside the belt now,  
20 string. You see string as big as  
21 your head that gets on them belts.  
22 And me personally, I cut string off  
23 when I walk a belt. And I've always  
24 did that. When I was over in  
25 Kentucky, I kept my --- I kept all

241

01 the string cut off of the belts. And  
02 here when I walk on the offside, like  
03 I said, I didn't walk --- none of us  
04 walked the offside of the belt, we  
05 just walked the walkway side and of  
06 course, that's three miles a day. I  
07 mean, can you imagine? I don't know  
08 how  
09 --- what's an average distance for a  
10 fire boss walk, but ours is average  
11 three miles. And we've got two,  
12 approximately, walk two and a half  
13 hours to do your checks to watch this  
14 and to watch that. And personally,  
15 you know, I don't know A, is that  
16 normal to walk three miles. I mean,  
17 why can't you just walk a mile or  
18 half a mile. This is one thing that  
19 really hurts being a beltman, you  
20 have so much territory. Like right  
21 now, if you fire boss down Rum Creek,  
22 you go outside and fire boss the  
23 overland belt, One belt, Two belt,  
24 Three belt, Four belt, Five belt.  
25 And you're talking about an hour and

242

01 a half, two hours walk if you do what  
02 you need to do. But most times  
03 honestly, it's just run and that's it

04 because you say, hey, man, I just ---  
05 and that's why a lot of things go  
06 unnoticed. Like walking on the  
07 offside of the belt, I don't think  
08 anybody's ever walked on the offside  
09 of the belt fire bossing. So we  
10 just, hey, just make a quick run and  
11 fire boss. And what goes on the  
12 offside, God only knows.

13 Q. Why did you think you wouldn't  
14 lose control of that fire on the  
15 29th?

16 A. Well, because the way it was.  
17 I mean, it was just ---.

18 Q. It was on the tight side?

19 A. It wasn't on the tight. It  
20 wasn't tight. There was plenty of  
21 room over there.

22 Q. It was on the tight side of  
23 the belt?

24 A. Yeah, it was on the offside of  
25 the belt. Well, the belt was so

243

01 high. I mean, the belt was so high  
02 that I got under the belt. I was  
03 under the belt. It was so high and  
04 all you had to do was just look at  
05 it, you know, and I'm, you know,

06 pretty confident, you know, that a  
07 fire extinguisher would have put it  
08 out. But they just dusted it. But  
09 when I put the bag of rock dust on  
10 it, put it completely out. One bag  
11 of rock dust put it completely out.

12 Q. Did you crawl under the belt  
13 to do that?

14 A. Yes, sir.

15 Q. Didn't stop it?

16 A. Didn't stop the belt, no,  
17 because I did it with an  
18 extinguisher, just like that. And  
19 right there where it was, the nearest  
20 place to turn off the belt was up to  
21 Six head, then instead of saying,  
22 well, I'm going to run back up here,  
23 I just said, well, why don't I just  
24 put the fire out. And that was my  
25 first instinct, you know. Like you

244

01 go to a car wreck or something and  
02 your first instinct is going, hey,  
03 man, let's help this man get out of  
04 the car, you know. So I call the  
05 state police or call ambulance going,  
06 hey, get this man out of the car.  
07 That's what my instinct was. My  
08 instinct was, hey, man, we got a

09 fire, put it out. But I know me with  
10 common sense, if it was anything that  
11 I thought was bad, I definitely would  
12 have called.

13 Q. The belt wasn't burning at  
14 that time?

15 A. Oh, no, it wasn't no any  
16 different, it wasn't no belt burning.

17 Q. What would have happened if  
18 you would have got caught in the belt  
19 and been injured and then you  
20 couldn't put the fire out? What  
21 would have happened?

22 A. It'd been terrible. Been  
23 terrible. But like you say, when ---  
24 like --- I hate to refer back to this  
25 again, but like when Don and Elvis

245

01 made that decision, hey, let's get  
02 off and run, what a terrible decision  
03 it was. And maybe when I put out  
04 that fire, maybe I should have said,  
05 well, let the fire burn, let me run  
06 up here and call, tell them to  
07 evacuate the mines and it would have  
08 got bigger then. So my first  
09 instinct then was just put the fire  
10 out and ---.

11 Q. Why do you think that Elvis  
12 got off the trip and ran? Why do you  
13 ---?

14 A. Well, ---.

15 Q. You've said that a couple  
16 times.

17 A. Yeah, what I --- a boy by the  
18 name of Vanover tell me that. He was  
19 there, he was on the section that day  
20 and he says, Carl, --- he says, we  
21 all pulled up there and he says,  
22 before we could see anything, them  
23 two boys jumped off that mantrip and  
24 took off a running. He said, they  
25 didn't say anything to anybody. Just

246

01 as soon as it stopped, they just  
02 jumped off and took off running.  
03 That's what Vanover ---.

04 Q. Did he say what direction they  
05 ran?

06 A. Yeah, he said they went in,  
07 right into the direction of the  
08 smoke, went head first into it.

09 Q. Was that the direction of the  
10 escapeway, do you know?

11 A. Well, they wasn't going to an  
12 escapeway, they were just going  
13 straight, trying to go through where



14 they came in. See, they came in this  
15 way. The mother drive --- the fire  
16 was right here, so here's the mantrip  
17 here, when they got off, they just  
18 kept coming and running straight up.  
19 They said, hey, man, we'll just run  
20 through this thing, but they didn't  
21 make it. They didn't try to go  
22 through no escapeway. They didn't  
23 --- this is what I can't figure out,  
24 those men bolted that whole area,  
25 they bolted the whole area, why

247

01 didn't they know, hey, man, we're  
02 here, let's just go up here 90 feet  
03 and go up to the fresh air where the  
04 section belt is. I mean, common  
05 sense. I mean, that's what I say,  
06 when you're in this situation, you  
07 don't know what you're going to do.  
08 And they did the wrong thing.  
09 Instead of coming out of that  
10 mantrip, if you were going through  
11 the man door and go into the fresh  
12 air, here they come. Man, just  
13 bearing down through this way and ran  
14 right into it. I mean, ran smack dab  
15 right into it. And they should have

16 --- them be boltmen. Somebody said,  
17 well, they got 13 years experience,  
18 they know the mines real well. Why  
19 didn't they say, man, let's just go  
20 up here and go onto the section belt.  
21 That one boy told me, he said, when  
22 that --- when they stopped that  
23 mantrip, said they walked up there to  
24 Two section belt, which was  
25 approximately 90 feet, he says, Carl,

248

01 I opened the door, he says, nothing  
02 but fresh air.

03 Q. You think they thought they  
04 knew something that everybody else  
05 didn't know?

06 A. I think they knew this --- I  
07 think they knew this, because the way  
08 the Sago incident happened, I think  
09 they thought this, hey, we're not  
10 going to stay in here, these guys can  
11 barricade themselves in if they want  
12 to, but we're going home. And they  
13 did the opposite. What they should  
14 have did is had their mind clear and  
15 everything and say, hey, man, we're  
16 going to go with everybody. Said, we  
17 got a boss here, we're all going to  
18 stick together. And one boy told me,

19 said he reached down to get Elvis and  
20 Elvis says, man, I can't get my  
21 rescuer on. I just can't --- I can't  
22 put it together and all of a sudden  
23 he says, wait just a minute, I'm  
24 going to put mine on and I'll help  
25 you. Then he said he put his one on,

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01 reached down to got him and he was  
02 gone. So if he would just stayed  
03 there. If he would have just stayed  
04 there, let the man get his rescuer  
05 on. He said I could have picked him  
06 up and dragged him to the man door.

07 But like you say, why do we do  
08 the things that we do when we're  
09 under pressure, under  
10 --- you know, why do we act --- do  
11 stupid things. You know, why don't  
12 we do the right things, you know.  
13 Like those guys did the right thing,  
14 they said, hey, man, we're going to  
15 go up there to some fresh air. And  
16 they bolted the whole area, 13 years  
17 mining experience. They was the two  
18 boltmen. They worked together. They  
19 was with each other all the time.  
20 Instead of both of them, being

21 experienced miners, go to the fresh  
22 air, why did they think that they  
23 could go through the smoke. They had  
24 to see it because it was --- you  
25 know, it was there. I mean, it

250

01 wasn't like seeing a haze or  
02 something like that. I mean, it was  
03 smoke. And so they --- I guess they  
04 thought they could just run through  
05 it. They said, well, let's just run  
06 through it and ---.

07 Q. Well, knowing what we know  
08 today, it's easy to say what was the  
09 best way to go but in their position,  
10 do you think that they believed that  
11 was the proper way to go because of  
12 that being designated as an escapeway  
13 or they traveled that way every day?  
14 As a creature of habit maybe they're  
15 just ---

16 A. Yeah.

17 Q. --- that's the way they went?

18 A. Well, what I believe happened,  
19 just like --- what you hear now, they  
20 said, Don Bragg told his wife that  
21 instant it happened at Sago, he says,  
22 before I die like a rat, I'm going to  
23 run. And to me he did just what he

24 said. He says, hey, I'm not going to  
25 stay in here, these other boys, they

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01 all going to die, but I'm getting out  
02 of here, so that's when he took off  
03 running. And he thought, we'll run  
04 in the haulage road going out to the  
05 way we came in, it's simple, you  
06 know, just go straight.

07 And to me that's where both of  
08 them made a terrible mistake thinking  
09 that they can just --- hey, man, it's  
10 no problem, we just go out and leave  
11 these other boys in here. And the  
12 other boys did what was right. And  
13 here it was 90 feet from fresh air  
14 and the boys said, hey, man, let's  
15 all work together and here's a boss  
16 man, took them right through that man  
17 door.

18 And the guy said, man, Carl,  
19 we opened that man door, and he said,  
20 there was nothing but fresh air.  
21 Ninety (90) feet away. Now, why  
22 those men --- that's what I'm saying,  
23 you know, you do stupid things when  
24 you're in situations like that. Just  
25 like that day that I fought that fire

01 at Five belt, I could have did things  
02 different. I could have put on my  
03 rescuer whether it was bad or not. I  
04 say, hey, man, let me put my rescuer  
05 on, because I know there's a fire  
06 here. Why didn't I put my rescuer  
07 on? I didn't, you know.

08 Q. It's easy to second guess.

09 A. Yeah, what if they came in  
10 there and said, man, poor old Carl,  
11 man, we found him down here with his  
12 rescuer on but he's dead. That would  
13 have been awful, wouldn't it?

14 Q. It would be.

15 A. But it wasn't that bad to make  
16 me do that, see. Now, if it was that  
17 bad, I would either say, hey, man,  
18 I'm going to take this on or put it  
19 on or I'm going to just sit here and  
20 die. But it wasn't that bad. I  
21 mean, it was just --- you know, it  
22 was like somebody if you're smoking a  
23 cigarette or something. And that's  
24 how come I did what I did. See, I  
25 did the very first thing that come to

01 my mind, is just say, just put the  
02 fire out, you know.

03 Q. I can understand.

04 A. Instead of scaring everybody  
05 in the mines together, say, hey, man,  
06 I got a fire here, you know, I'm  
07 going to evacuate the whole mine, I  
08 thought man, I'll just, you know, put  
09 out the fire.

10 Q. Carl, I'm going to ask you to  
11 take that pen and come up to the map  
12 again for a minute --- a couple of  
13 minutes. Do you recall where those  
14 boxes were that Dusty Dotson got into  
15 to make that repair?

16 A. Yes, it was just right here at  
17 Seven belt, right --- this is the  
18 mother drive belt, so we're talking  
19 about the mother drive being right  
20 here; right?

21 Q. That's right.

22 A. The mother drive.

23 Q. That's correct?

24 A. Yeah. They was in this  
25 opening right here. You got your ---

254

01 then there's the spotter box and down  
02 here's your winch box. And this is  
03 where that stopping was and where  
04 they had the man door and they moved

05 it; right?

06 Q. Just label that stopping  
07 there, if you don't mind.

08 ATTORNEY FRANCART:

09 And that's in the  
10 crosscut to the south of spad  
11 3266 for the record.

12 BY ATTORNEY FRANCART:

13 Q. You said this box right here?

14 A. Just right here with the  
15 square. That one's a square.

16 Q. Mark that on there, please.

17 A. The square?

18 Q. Sure.

19 A. Okay, a box here.

20 Q. Looks good to me. What was  
21 the next ---?

22 A. And right here was the starter  
23 box for the longwall.

24 Q. Okay.

25 A. This right here was the winch

255

01 box.

02 Q. Okay. And when you were in  
03 here, you say there was no stopping  
04 and that was removed at some time  
05 before?

06 A. Yeah. When I went there, that  
07 stopping was on the man door there,



08 because I know when I fire bossed  
09 this belt, I come up through here and  
10 instead of going up this way to the  
11 mother drive, I'd go through that  
12 door there. And I know I wasn't up  
13 there no more than two days and I  
14 noticed it had been gone. Somebody  
15 had took all the block and packed it  
16 over here on this rib right here real  
17 neat and clean. And I thought, well,  
18 I know who did that, but I don't know  
19 who did that.

20 Q. And that was done sometime  
21 early in December?

22 A. Right.

23 Q. That's what I thought you  
24 said. Do you remember any a stopping  
25 being down to the south or downhill

256

01 from that intersection in this  
02 crosscut? I'll circle that area in  
03 blue. Do you remember down in this  
04 crosscut?

05 A. No, I sure don't. That's  
06 where the storage unit is, isn't it?  
07 No, it's towards this over here. No,  
08 I don't --- I don't recall nothing in  
09 that area there.

10 Q. Do you recall there wasn't the  
11 stopping or ---?

12 A. No, I just --- I don't even  
13 know.

14 Q. So you're not sure if there  
15 was a stopping or not in that  
16 crosscut?

17 A. Uh-uh (no).

18 Q. Okay. That's fine. Do you  
19 recall what kind of an air direction  
20 you would have in this crosscut with  
21 the stopping out?

22 A. Always, you know, thought the  
23 air was coming up this way, through  
24 the double doors, in here. You know,  
25 the air was coming up that way.

257

01 Q. Was there a stopping in this  
02 entry down here? I'll mark that in  
03 blue also.

04 A. I've go to tell you, I don't  
05 know anything that's going to be  
06 offside. That's all on the offside.  
07 I haven't seen it. I don't know  
08 anything on the offside.

09 Q. That's okay. What about the  
10 air direction in the longwall belt?  
11 You mentioned before it was coming  
12 outby?

13 A. Yeah, it was coming this way  
14 here.

15 Q. Could you mark that air  
16 direction on there with a red arrow,  
17 please?

18 WITNESS COMPLIES

19 BY ATTORNEY FRANCAERT:

20 Q. And the air on the Number  
21 Seven belt, what direction was it  
22 traveling? What direction, if you  
23 know, would be the airflow at the  
24 tailpiece at Number Seven belt?

25 A. I believe the air was coming

258

01 up this way.

02 Q. Can you mark that on there,  
03 please?

04 WITNESS COMPLIES

05 BY ATTORNEY FRANCAERT:

06 Q. So you've marked all the  
07 airflow directions in red arrows.  
08 Right here at the tail, what would be  
09 the air direction in this break  
10 between those two pillars?

11 A. I believe it was going this  
12 way.

13 Q. Could you mark that one also  
14 for me, please?

15 WITNESS COMPLIES

16 BY ATTORNEY FRANCAERT:

17 Q. What about the air direction  
18 out here in the north mains belt,  
19 Number Six?

20 A. It wouldn't have the intake  
21 air; right?

22 Q. Well, that's the belt air.

23 A. Yeah.

24 Q. Was the belt air intake for  
25 the Number Two section, do you know?

259

01 A. Yeah.

02 Q. They're using the section ---?

03 A. Yeah, they --- well, they used  
04 this travel road down here to go back  
05 to the section of the Seven belt.  
06 They'd come right up through here to  
07 the --- down that way and then they  
08 crossed in and went up here and then  
09 went back down that way. There was  
10 another walk-through, cut-through,  
11 they went up in there and come back  
12 down that way.

13 Q. The air direction up here at  
14 the tail, Number Six belt, do you  
15 know what direction that was coming?

16 And do you happen to know the Number  
17 One belt, on the 48-inch belt, what

18 direction that was in or out? How do  
19 you know the air directions in these  
20 locations?

21 A. Well, I just looked at the  
22 intake air, said that's got to go to  
23 the sections. It's got to go to  
24 Seven here. It's go to go to the  
25 mother drive here. It's supposed to

260

01 supply air to those areas.

02 Q. So these directions, have you  
03 determined these as part of your  
04 examinations or is that what you  
05 assume them to be?

06 A. That's what I assume them to  
07 be.

08 Q. But this is what you noticed  
09 when you were in here?

10 A. I'm just --- you know, just  
11 saying that this is the way the air  
12 goes. I mean, to me, that's my  
13 knowledge. This is the way the air  
14 comes up from the box cut or Rum  
15 Creek or wherever. It comes up this  
16 way and then your return air is  
17 coming back, coming back down through  
18 here.

19 Q. Have you ever made any air

20 measurements in these entries? Do  
21 you know what the glossaries were?

22 A. No, honestly I haven't.

23 Q. And you never used any smoke  
24 to get directions?

25 A. No.

261

01 Q. Are you sure that these are  
02 the air directions that you would  
03 have seen underground?

04 A. Yes.

05 Q. And how are you sure about  
06 that?

07 A. Well, like the way the mine is  
08 just laid out. The air has to come  
09 up through here and go into the Two  
10 section there. And up here, you  
11 know, the Six, that's the way the  
12 air. Of course, Seven headgate here  
13 it had to go up through this belt  
14 right here to get to Seven belt.

15 Q. Go ahead.

16 A. That's another thing, too, I  
17 need to get a anemometer.

18 Q. An anemometer?

19 A. Anemometer. And start, you  
20 know, --- this is something I never  
21 had, I've never been given since I've  
22 been in the mines. This is something

23 that I'm used to wearing.

24 Q. These double doors down here

25 in the travelway, there are two sets

262

01 of doors on the inby and the outby

02 side, would be the mother drive.

03 A. Uh-huh (yes).

04 Q. You say you opened these doors

05 for people to travel through?

06 A. Yeah.

07 Q. When you opened these doors,

08 which way would the air want to flow?

09 A. Up this way here.

10 Q. You would feel that or is that

11 ---?

12 A. That's the way I believe that

13 I would. You go through the doors

14 and you get pressures on the doors.

15 Q. Can you mark that air

16 direction on there for me, please?

17 WITNESS COMPLIES

18 BY ATTORNEY FRANCART:

19 Q. Do you know if there were any

20 holes in the stoppings in the areas

21 where you had examined? Did you look

22 for holes in the stoppings or was

23 that part of your examination?

24 A. No, I didn't --- I don't

25 recall seeing any holes in any

263

01 stoppings. We went up through here  
02 and through here all the way to here  
03 to the line.

04 Q. If your record book stated  
05 that you had proper air direction  
06 greater than 50 feet a minute, how  
07 would that have been determined?

08 A. Well, just marking off your  
09 top and your width, add all that  
10 together and mark it by your air  
11 reading on the anemometer, get that  
12 reading.

13 Q. Do you know how to use an  
14 anemometer?

15 A. I never have been given one.

16 Q. Okay. Have you ever marked in  
17 the book that you had greater than 50  
18 feet of air for your examination?

19 A. I don't think so.

20 Q. How about proper airflow  
21 direction?

22 A. Always been proper airflow  
23 direction.

24 Q. How would you know what the  
25 proper airflow direction would be?

264

01 Do you get that information from mine



02 foreman or just ---?

03 A. No, just common sense really,  
04 you know. I mean, maybe I'm stupid,  
05 I don't know, but to me, commonsense  
06 would tell you that --- you know the  
07 fresh air and you're going to the  
08 working faces.

09 Q. Do you know what the mine  
10 ventilation plan is?

11 A. No, I sure don't.

12 Q. Nobody's ever talked to you  
13 about what the ventilation plan  
14 consists of?

15 A. No.

16 Q. Do you know if --- well, you  
17 don't know what it is, I might as  
18 well not ask you about it; right?

19 When you went past these power  
20 boxes, why would you come down  
21 through the door and in through  
22 another door here instead of just  
23 coming down the belt?

24 A. Well, just different reasons.  
25 You know, you're going to through

265

01 there all the time. Sometimes I come  
02 up here in the morning and walk this  
03 belt, come up here. And instead of

04 going by the mother drive, I just  
05 come up and go through that man door.  
06 And then sometimes I just get off  
07 from work and instead of coming all  
08 the way back over here, well, I might  
09 just come down here and come through  
10 that man door and come down the belt  
11 line here. It just all depends. It  
12 might be the belt line, it was just  
13 --- matter of fact, it was only there  
14 for about two days. They moved me  
15 when I got there. When I first went  
16 there, I see this man door and the  
17 stopping and in about two days it was  
18 already gone. So I know I didn't do  
19 it no more than two days because  
20 that's all it is, approximately two  
21 days, because when I --- my goodness,  
22 I knew there was a man door and the  
23 stopping there, but it had  
24 disappeared.  
25 Q. You're talking about the

266

01 stopping at the south end of the  
02 power boxes?  
03 A. Yeah, I'm talking about right  
04 where the --- right where the ---  
05 this is what I'm talking about right  
06 here.

07 Q. Okay.

08 A. Down here where your --- and  
09 your starter and your --- I'm talking  
10 about that right there. Okay? And I  
11 know that was there for about two  
12 days and then somebody took it out  
13 and stacked it up real neat. And who  
14 did it, I don't know. Why they did  
15 it, I don't know.

16 Q. Let me just mark on here that  
17 you've told us that you did not know  
18 if there was a stopping ---

19 A. Right.

20 Q. --- at either one of these two  
21 breaks. We'll just say unknown  
22 stopping.

23 A. I really don't know.

24 Q. Okay. That's fine. We want  
25 to know what you know not what you

267

01 don't. What about this overcast at  
02 spad number 3199?

03 A. Overcast, I'm familiar with  
04 that.

05 Q. Do you remember that location?  
06 Was that overcast there?

07 A. Yeah.

08 Q. Do you travel through there

09 very much?

10 A. Yeah, on the Seven belt, yeah.

11 Q. So you've examined the Number

12 Seven belt?

13 A. Uh-huh (yes).

14 Q. Are there doors in the

15 overcast?

16 A. No, I don't think there are

17 doors in that overcast.

18 Q. Does the belt go in the

19 overcast?

20 A. No, it goes under. Yeah, I'm

21 pretty sure it does. The overcast is

22 right here on the belt line. The

23 overcast is on the belt.

24 Q. So the belt is on the bottom?

25 A. Right.

268

01 Q. What about the overcast where

02 spad 3221 is located?

03 A. I don't know. I've seen the

04 overcast up there, but me, I don't

05 walk up that there.

06 Q. Do you believe the belt goes

07 under there also?

08 A. Yeah. I just know there's

09 overcast on that belt line. I know

10 when you go all the way out through

11 here to the Seven head, I know

12 there's overcast all up through

13 there.

14 Q. Are you sure there's two

15 overcast on this side of the ---

16 A. No, ---

17 Q. --- area?

18 A. --- I'm not sure. Like I say,

19 I know there's overcast on that belt,

20 but I just can't say, well, I know

21 that that one's there, but I know

22 there's overcast on that belt. Most

23 of them went down in here, right

24 here, down in through here.

25 Q. Do you know whether the belt

269

01 goes over those overcasts now outby

02 the ---?

03 A. Yeah, this here go over there,

04 the overcast.

05 Q. So the belt's on top of the

06 overcast up there?

07 A. Yeah.

08 Q. I think that's all we have on

09 the map, Carl. I think --- yeah,

10 have a seat. Carl, we're going to

11 take you back to Exhibit D for a

12 minute and if you can explain to us

13 what the air measurement section of

14 this report indicates to you.

15 A. It just tell me you got good

16 air and it's running 50,000 cfms

17 right direction.

18 Q. Is that something you wrote

19 into the book?

20 A. I'm going to have to say this

21 again, that's what everybody writes

22 in the book. Air moving in the right

23 direction, 50-plus. And you'd check

24 them all out and it's all in there.

25 Q. And is that something you

270

01 wrote into this book?

02 A. Yeah, everybody writes this in

03 that book?

04 Q. This particular page though,

05 is this --- this is your writing?

06 A. Uh-huh (yes). Well, this is

07 Bryan Cabell's writing. Bryan Cabell

08 did this.

09 Q. Is that something you had to

10 call out to him?

11 A. Well, I mean, you called out,

12 you just say, got good airflow,

13 moving in the right direction. This

14 is another thing that I've always

15 brought up, you know.

16 Q. Who do you bring that up to?

17 A. Again like I say, it's just so  
18 many people that you confront with,  
19 you know. As I say, how come we  
20 always put 50-plus here, you know. I  
21 mean, it is always 50-plus. If you  
22 check the books, it's always 50-plus.  
23 Here's, you know, I'm talking about  
24 the system. When I came here as a  
25 belt examiner, all this is every day.

271

01 Every day, every time. I don't care  
02 who does it, every day, every time,  
03 air moving in right direction,  
04 50-plus. And so that's just like I  
05 say, the system. Why is it like  
06 that? Why? I don't know. Like I  
07 don't even have no anemometer. I  
08 never been give one. And so --- and  
09 most the people I know don't even  
10 carry one. I mean, I don't know any  
11 fire boss that carries one.

12 Q. Do you know what the 50-plus  
13 means?

14 A. Fifty (50) cubic feet per  
15 minute. And it's the velocity of the  
16 air, the air that's flowing.

17 Q. Have you ever found airflow in  
18 the belts in the wrong direction?

19 A. No. I mean, I guess there's  
20 been a --- maybe a stopping out or  
21 the air just short circuit because  
22 the air may be going in the wrong  
23 direction.

24 Q. Have you found that condition?

25 A. No, I never have found that

272

01 condition.

02 Q. So you've never found it in  
03 the wrong direction?

04 A. Uh-uh (no). No.

05 Q. And that would be based on the  
06 air as you put on the Exhibit A up on  
07 the wall?

08 A. Yeah.

09 Q. You would consider that to be  
10 the right direction?

11 A. Right.

12 Q. Have you personally ever  
13 entered into anything into the book,  
14 other than clean and dust and the  
15 hazards at locations?

16 A. No. No. But like I say, we  
17 all should have, not just me, but  
18 there's a lot of things that should  
19 go in here besides what you see right  
20 here. If you check back all the  
21 books, you go back how far you want



22 to go for 19 months, and this is what  
23 you'll see. You won't see nothing  
24 that says anything about the problem  
25 or correction or something that's

273

01 broke or torn or anything like that.  
02 That definitely needs to be  
03 corrected. Maybe this will be  
04 something, you know, hey, boys, we  
05 can't live by this, it's got to be  
06 changed. We've got to write down  
07 what the problem is, right here it  
08 says action taken, and on the  
09 on-shift, you know, put this down.  
10 You know, hey, we had a bad roller,  
11 let's fix them, let's write it down,  
12 action taken, changed roller. But  
13 that's been that way since I've been  
14 there, clean and dust. Maybe this is  
15 what it took. I hate to say this is  
16 what it took, but maybe things will  
17 be different. Maybe they'll say,  
18 hey, man, we're going to have to  
19 start doing this stuff like you're  
20 supposed to and not like we want to,  
21 you know. Because this is  
22 ridiculous. And I know right now I'm  
23 looking through this thing, you know,

24 none of us --- I mean, what's here no  
25 dusting, no cleaning, it's all right.

274

01 It's clean and dusted. That's what  
02 that basically means. And what  
03 they've got down here, you know, dust  
04 for dust, need dust, need dust, need  
05 dust. So no observations. I mean,  
06 it's just been cleaned and dusted.

07 Q. Let's go back to the 19th  
08 again, Carl. On the 19th, which belt  
09 did you personally examine that day?

10 A. Well, I was on Six belt and I  
11 was on Seven belt and I was on the  
12 mother drive belt. Every one of  
13 them. I was actually on, physically  
14 on, both belts.

15 Q. Do you know who examined the  
16 longwall belt that day?

17 A. I would say Tom Adkins,  
18 because Tom usually is up there. Tom  
19 Adkins.

20 Q. Why does he just examine that  
21 one belt?

22 A. He's in all of them, Two belt.  
23 I mean, he'll examine the Four belt,  
24 Five belt, Six belt, Seven belt, Two  
25 section. I mean, he's --- I think

275

01 that's all he does on third shift, is  
02 just examine all them belts.

03 Q. He's on third shift though?

04 A. Yes, sir.

05 Q. He always works the third  
06 shift, do you know?

07 A. Yeah, Tom's always third  
08 shift.

09 Q. I think you can see it from  
10 where you're sitting up here. I'll  
11 get up and show you though on the  
12 map. You've marked the airflow  
13 direction on Number Seven belt on an  
14 inby direction.

15 A. Uh-huh (yes).

16 Q. And you marked the longwall  
17 belt in an outby direction?

18 A. Uh-huh (yes).

19 Q. Where does this belt air go  
20 when they join, do you know?

21 A. Well, I would say, it'd go  
22 right up Seven, up where that belt  
23 is, continue to go up towards Two  
24 section.

25 Q. Up towards the east mains?

276

01 A. Yeah.

02 Q. Is that the proper direction

03 for that?

04 A. Well, to me, the proper  
05 direction should go up on Two belt or  
06 like you had mentioned to me a while  
07 ago, that stopping --- where they  
08 put that Seven belt, that stopping  
09 was there and that air would go back  
10 that way.

11 Q. Which way?

12 A. Back towards the way I've got  
13 it going towards Two section. You  
14 said there's a stopping or something  
15 there and when I got there, they was  
16 --- the belt had already been set.

17 Q. The stopping inby the Number  
18 Seven tail?

19 A. Right.

20 Q. If that stopping was in place,  
21 where would the belt air go?

22 A. I don't know. Well, like I  
23 said, there's --- I don't know. Like  
24 I said, there's --- I don't know. I  
25 mean, I'd like to say it goes up on

277

01 Two belt, what, three breaks way.  
02 I'd like to tell you it went straight  
03 up through there, but I know there's  
04 a stopping there with a man door in  
05 it going up in there. And then on

06 the side of the stopping was a  
07 walkway for belt, Number Two belt.  
08 So the air coming up Seven belt and  
09 then coming up the longwall belt. I  
10 can tell you, I don't really  
11 understand it. Well, I mean, right  
12 now where them doors is at, if them  
13 doors was open, it could --- it would  
14 go on up through Two section, but  
15 them doors would close and it would  
16 just stay in that area. I can say,  
17 stay around Six and Seven and the  
18 mother drive.

19 Q. You have 50 feet a minute flow  
20 on all your belts; right?

21 A. Uh-huh (yes).

22 Q. That's a considerable amount  
23 of air if you have the size entries  
24 you have.

25 A. Uh-huh (yes).

278

01 Q. Where does all that air go if  
02 the door is always closed?

03 A. To go back into the return  
04 once it reaches the face or wherever  
05 it's a designated area to go. But to  
06 be honest, I don't know really. I  
07 understand what you're saying, you

08 got air coming this way and air going  
09 that way and they both meet, and  
10 where does it go? Like I say, the  
11 only place it can go --- right now  
12 when I was up there, see, there was  
13 no stopping there, just a six-foot  
14 belt that needed a couple pieces put  
15 it in to make it complete. To me, it  
16 just went straight up through --- I  
17 see where you're coming from, too.  
18 It just want straight up towards Two  
19 section. But if that stopping was  
20 there right there where the Seven  
21 belt is, well, that structure up  
22 there was a stopping there, then I'm  
23 completely lost. You know, where  
24 would the air go? That's the only  
25 thing I can say.

279

01 Q. That's okay, Carl. Thank you.  
02 On the day shift that you worked up  
03 there, you were there all day at the  
04 mother drive?

05 A. Yes, sir.

06 Q. Can you tell us who preshifted  
07 for the afternoon shift on Number  
08 Seven belt and the longwall belt?

09 A. On the second shift? Bryan  
10 Cabell.

11 Q. No, on day shift.  
12 A. On day shift.  
13 Q. Who came through there while  
14 you were there?  
15 A. John McNeely.  
16 Q. John McNeely?  
17 A. Uh-huh (yes).  
18 Q. He preshifted both the Seven  
19 belt and the longwall belt?  
20 A. Well, he was there, I guess.  
21 I mean, that's what --- you know,  
22 he's the one that, you know, that  
23 does --- that's his job in that area  
24 there. Then Dusty was up there. I  
25 don't know what he checked out or did

280

01 he walk the airways or did he walk  
02 the belt or what.  
03 Q. Dusty Dotson?  
04 A. Yeah.  
05 Q. He was there again after he  
06 ---?  
07 A. No. That one time he was  
08 there. Just that one time.  
09 Q. That wouldn't have been for a  
10 preshift examination though.  
11 A. Okay. Well, John McNeely is  
12 the only one there then.

13 Q. Okay.

14 A. You know.

15 Q. Did you ever hear about a  
16 carriage being cocked or thrown out  
17 of position on the storage unit?

18 A. Let me tell you something,  
19 I've heard that, but I've never seen  
20 it. I've just heard. I heard  
21 somebody say --- matter of fact, this  
22 is what I heard about the fire, I  
23 heard about the --- something cocked  
24 in there, did this or did that. But  
25 I can personally say from personal

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01 experience, I've never seen it. What  
02 they call them things, dollies  
03 or ---?

04 Q. Yes.

05 A. There's three of them. Now,  
06 personally I have never seen nothing  
07 out, any three of them. Now,  
08 somebody --- I've heard somebody say,  
09 man, the dolly or the whatever you  
10 call it was cocked in there sideways.  
11 And I thought, man, how in the world  
12 could that be. But I don't know.  
13 Personally myself, I have never  
14 anything, anything that could ---  
15 that's even any close to seeing



16 anything like ---. You know Bryan  
17 could tell you if that's what he saw,  
18 you know.

19 Q. Okay. Have you ever seen any  
20 piles of strips of belt laying on the  
21 belt line?

22 A. Yes. Strings and you get all  
23 kinds of stuff, you know, anything  
24 that could ---.

25 Q. One-inch wide strips of belt?

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01 A. Not any more than one inch.

02 Q. Never seen anything like that?

03 A. One inch? I think I might  
04 have seen some when I first got here  
05 on Six belt sometime or on the  
06 walkway side where there was some ---  
07 I don't know if it was an inch or  
08 what, but I've seen some belt  
09 clippings like that come along the  
10 walkway side. And I went and told  
11 the mine foreman about it. I really  
12 did, I went and said, hey, man,  
13 there's some belt shavings or  
14 whatever you want to call them, you  
15 know, spaghetti or whatever, and I  
16 did tell the mine foreman.

17 Q. Did you ever see them on the

18 right side?

19 A. No. No, I've never seen them  
20 on the coal belts.

21 Q. Do you know what causes that?

22 A. Well, to me, it's when the  
23 belt's not trained properly or I  
24 guess it'd be not trained properly,  
25 you know.

283

01 Q. Did you have that experience  
02 before the trains needed to be  
03 adjusted on the belt?

04 A. Yeah. Yeah, I have trained  
05 belts before and basically the ---  
06 always trained them just to try to  
07 keep the coal from spilling, just  
08 like for instance, had a real bad  
09 spillage right there at Five  
10 tailpiece because the belt was right  
11 in over this on the walkway side.  
12 And I got my hammer and I said, well,  
13 I can fix that real quick, I'll just  
14 train the belt and when you train the  
15 belt, then the chute just went down  
16 the center of the belt. It took care  
17 of the spillage. That's about the  
18 only basic training, you know, I've  
19 ever, you know, had to do, is just  
20 when it's running out of the

21 tailpiece wrong. If it's going out  
22 too far in your belts when it loads  
23 on a belt, it's going to spill on the  
24 ground, you've got a lot of shoveling  
25 because that's how come I was ---

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01 when I first went up --- but that's  
02 when I first went up there, I went to  
03 Six head and I shoveled up all kinds  
04 of stuff here. I mean, I'm talking  
05 about, you know, maybe two hour  
06 shoveling, just shoveling and  
07 shoveling and shoveling. I said,  
08 well, hopefully that don't happen no  
09 more. I went back the next day and  
10 it was there again. I said, now,  
11 common sense tells you find the  
12 problem. And I just sat there and  
13 watched it and watched it and watched  
14 it and I said, well, no wonder, this  
15 coal is missing the belt by that much  
16 and all that spillage is coming off  
17 your belt. And I just got my hammer  
18 and just barely tapped a little bit  
19 and it come back in there and it  
20 solved that problem. It did not  
21 spill anymore. I just kept --- saved  
22 myself for about two hours a day from

23 shoveling all the time.

24 Q. Do you know if that was

25 recorded as a hazard in the book,

285

01 that spillage?

02 A. No.

03 Q. Did you report it?

04 A. I told --- I think I told Tom

05 Adkins about that. I said, Tom --- I

06 said, I was killing myself up there

07 shoveling, so I said I had to do

08 something about it, plus not only did

09 I have to do that. I told him there

10 was a hole in it, then I added a

11 little bit more. I said, Tom,

12 there's a hole in this thing and it's

13 spilling, it's shoveled me to the

14 point, you know, I've just had enough

15 of it. And I told him they need to

16 weld that hole. I said, there's a

17 hole big as a softball. That's the

18 word I used. And he said, okay,

19 Carl, we'll get it fixed. And they

20 fixed it maybe two or three days

21 later. It wasn't the same night, you

22 know, but they did get it fixed. And

23 it was wearing me out shoveling.

24 Q. On the 19th, when they set

25 these, did you notice the carriages

01 in place on the ---  
02 A. Yeah.  
03 Q. --- dollies?  
04 A. Yeah, right, every three ---  
05 all three of them was in place. They  
06 was just --- normally, it just like  
07 they was. I mean, I'm telling you  
08 the truth, I actually saw them  
09 dollies and they was --- I mean, they  
10 was just straight and natural as they  
11 could be. And that's the condition  
12 they was in there all day long. And  
13 then I heard later on that --- you  
14 know, you hear so much, you know, and  
15 this and this and this, but I  
16 actually heard that one of them  
17 dollies got cocked and somehow or  
18 another, the belt did this or the  
19 belt did that. But only Bryan can  
20 tell you that. I can just tell you  
21 what I heard, you know. But  
22 honestly, I can say that I've never  
23 seen anything out of those middle  
24 rollers as far as being twisted and  
25 cocked or whatever, you know. To me,  
01 they've never been a problem. As a

02 matter of fact, that day left --- I  
03 got such a good look at that place  
04 that day because I said, I'm just  
05 going to make sure and look at this  
06 place real good and when I left that  
07 place and walked down to catch my  
08 ride, I noticed there was no rubbing,  
09 there was nothing. I mean, it was  
10 just clear as clear can be and the  
11 dollies, they was just as straight  
12 and normal as they could have been.  
13 I can actually say that because I  
14 definitely saw every bit of that.

15 Q. Okay.

16 A. And matter of fact, four times  
17 that day, not just that one time.  
18 But I was down there four times and  
19 there was no --- so like I'm saying,  
20 Bryan could probably tell you, from  
21 3:30 to 5:30 what went on. I don't  
22 know. I wished I did know. I wished  
23 I knew exactly everything that went  
24 wrong, but I don't. But I can  
25 honestly say there that day, there

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01 was no problem in that storage unit.  
02 It was just clear and I even noticed  
03 the rollers. I noticed the belt. I  
04 noticed those dollies, I noticed

05 everything there and it was in  
06 complete good condition when I walked  
07 right by it at 3:30.

08 Q. Was there any water running  
09 down that belt entry?

10 A. Yeah, there's --- there's  
11 water running down that belt entry.  
12 It runs on the offside. That's the  
13 water that came from the time they  
14 mines flooded. You all probably  
15 heard about that when the mines  
16 flooded. They sealed it up as best  
17 they could. But still yet the water  
18 comes down and it hits the stopping,  
19 then it comes back over this way and  
20 then it makes its way down towards  
21 the longwall belt. And that water  
22 has been there since the --- we hit  
23 that old waterworks.

24 Q. Do you have a wash-down hose  
25 at the longwall head drive?

289

01 A. Well, they have a hose. I  
02 don't know if you call it wash-down  
03 hose or --- I call it a water, that  
04 you put water on the belt with. They  
05 had a regular fire valve there. I  
06 didn't do this but somebody else did.

07 It was there when I got there, it had  
08 that inch line coming off of --- inch  
09 and a half line, it went down to the  
10 three-quarter and had a hydraulic  
11 hose on it, the long was, you know,  
12 ten foot or so. And they put that on  
13 the belt to keep Seven belt wet. And  
14 that was what the fire hose was used  
15 for.

16 Q. Do you ever use it for a  
17 shovel to clean or know anybody that  
18 did?

19 A. Shovel?

20 Q. Yeah, like a liquid shovel.

21 A. Oh. No. I tell you what, we  
22 --- I was told --- now, this is  
23 serious. I was told that we don't  
24 use no fire hoses, no fire hoses, up  
25 on the hill. And that's how come

290

01 that fire hose it was made into, I  
02 guess, a spray or something to put  
03 water on the belt and they really  
04 emphasized that they didn't want  
05 nobody using the water hose. And if  
06 I use the water hose and if I did use  
07 it, that little spray thing, it was  
08 maybe --- there's a walkway right  
09 there, there's a walkway between the



10 drive and the head. There's a  
11 walkway coming in that stayed full of  
12 mud all the time where it ran off the  
13 head. And I may have took that water  
14 hose and washed that out.

15 Then also up under the belt,  
16 what they called the slobber trough,  
17 where the scrapers are at. I know  
18 that get gobbed out a lot. And I've  
19 taken that water and washed under  
20 that, what they call the slobber  
21 trough. And as a beltman, they  
22 telled us to do that every day.  
23 Every day.

24 Q. Well, why are you told not to  
25 use the water hoses?

291

01 A. Well, there they just got a  
02 system there that we don't want  
03 nobody using the water hoses. Every  
04 mudhole that they find, they blame it  
05 on the beltman. If you've ever been  
06 inside our mines, right where you  
07 come before them doors, there's a big  
08 'ole hole of water there and every  
09 bit of that water comes from the  
10 longwall belt. When the longwall  
11 belt is running, that water comes off

12 right there at the mother drive, it  
13 will come down, it will run right in  
14 that hole there. And people come by  
15 and says, if you beltmen would quit  
16 using these water hoses, we wouldn't  
17 have to put up with this water hole.

18 But every bit, I'm talking about 99  
19 percent of it came from the belt,  
20 from the longwall belts. And that's  
21 just something I can't figure out.

22 The day of the accident, where was  
23 the water at? There's always been  
24 water on that belt. Where was the  
25 water? I don't know. But there's

292

01 always been plenty of water on that  
02 longwall belt.

03 Q. That hose that you're talking  
04 about, that you're not supposed to  
05 use, where does the water come from  
06 to that line?

07 A. From the four-inch water line  
08 going up from --- coming off from the  
09 main line at Seven head going all the  
10 way up to the section.

11 Q. Is there a valve on that line?

12 A. Yeah.

13 Q. Do you know where that valve  
14 is?

15 A. It's the on and off valve,  
16 like sort of a gate valve.  
17 Q. Where is it?  
18 A. It's right there where the  
19 mother drive is on the left-hand side  
20 where the steps is that you go over  
21 to the crossover.  
22 Q. Do you remember what color  
23 handle is on that valve?  
24 A. It's just an old rusty black  
25 handle. You know, there's a little

293

01 rubber coating and things.  
02 Q. Uh-huh (yes).  
03 A. And just like I heard there  
04 wasn't no water. Now, this is what I  
05 heard, there was no water up there  
06 that day, but as far as I know  
07 there's always been water on that Two  
08 section post. But I was talking to a  
09 boy the other night and he says,  
10 Carl, there was no water up there  
11 nowhere. And I thought man, there's  
12 always been water right there on  
13 that, on that four-inch line going  
14 from Six belt, all the way up to the  
15 section, a four-inch line.  
16 And I can't --- they said,

17 well, somehow or another, something  
18 happened that the breaker knocked on  
19 the pump but there wasn't no water.  
20 But I know there was water there all  
21 the time. Well, there had to be  
22 because Two section couldn't run  
23 without water.

24 Q. If you think back on that  
25 four-inch blue line that had a valve

294

01 on it, was there a T connected to  
02 that line? Do you know?

03 A. A T?

04 Q. A T to split that line?

05 A. No. The only thing I can see  
06 on that line, it was an inch and a  
07 half line and it had an inch pipe on  
08 it here and a three-quarter inch pipe  
09 here and somebody had put a hydraulic  
10 hose on it with three-quarter inch.

11 And they used that --- basically the  
12 only thing I ever used it for was to  
13 just put it on the belt to keep water  
14 on Seven belt.

15 Q. Okay. The four-inch line  
16 going back the other way, was there a  
17 T on that line?

18 A. That wasn't a four-inch line.

19 You're talking about the water line

20 going down the longwall belt?

21 Q. No. The one up on Seven belt.

22 A. Yeah, there had to be a T on

23 it because the water line was here

24 and it was going up to Two section

25 and then there's another line, about

295

01 a two-inch line or a three-inch line,

02 I'd say two inches, coming off of

03 that going down towards the longwall,

04 so there had to be a T right there to

05 --- for all three of them to be

06 there.

07 Q. What color was that two-inch

08 line?

09 A. Two inch line is white.

10 Q. White?

11 A. Uh-huh (yes).

12 Q. Do you know if there's a valve

13 in that line?

14 A. Now, I heard --- now see, this

15 is what I heard, the only valve I

16 know should have been on the end of

17 it. But what I heard is there was no

18 end to it. It was just an open end.

19 And I don't know why --- why didn't

20 they have a --- I know they've been

21 working on that line and putting it

22 in, but why didn't they put a closure  
23 on the end of it? I don't know. But  
24 see, this is what was told me, that  
25 there was no --- nothing on it even

296

01 though if you was going to use it,  
02 the water would just go straight down  
03 the longwall belt. And the man who  
04 put that in, I don't know. I don't  
05 know. Third shift does a lot of  
06 maintenance. They practically do all  
07 the maintenance, but I can't say,  
08 hey, John, put that in or, Joe, put  
09 that in, but --- because there was  
10 water fire belt there, and there's a  
11 T there that took the water over on  
12 Two section. Then this other little  
13 mine came down the mother drive. And  
14 that's the only thing I can say, you  
15 know, is what I've heard.

16 Q. In your opinion, was the tight  
17 side of the belt any less hazardous  
18 or more hazardous than the wide side  
19 or the walking side?

20 A. Well, basically both things  
21 can happen on both sides, you know,  
22 as far as a roller or as far as being  
23 trained or something like that. But  
24 the sad part about the off side, it's

25 the blind side. See, basically, I

297

01 know --- I don't know of anybody in  
02 our mines that walks the off side.  
03 It's always walk the walkway side.  
04 And I guess this is why MSHA's came  
05 in and all of a sudden they walked  
06 the off side and they say, my  
07 goodness, you can't even walk up here  
08 if you wanted to. That's what we've  
09 been doing for the last several weeks  
10 is cleaning off side and they're  
11 making a 30-inch --- well, you have  
12 to have 24. They say they want at  
13 least a 30-inch walkway on the off  
14 side and at least four foot on the  
15 walkway side. So the belts right  
16 now, you could walk either side. I  
17 mean, you could --- I mean, you can  
18 --- if you need to go on the off  
19 side, you can do all the rocks, all  
20 the gob and everything, just it's  
21 been removed. But it was horrible.  
22 Q. Not counting the fire on the  
23 29th of December and the 19th of  
24 January, do you know of any other  
25 fires in the mine?

298

01 A. No. That's the only fires  
02 I've ever seen, like I say, other  
03 than a hot bearing. And as a  
04 beltman, it's common to see a tail  
05 bearing, you know, go down or roller  
06 to get hot or something, bottom  
07 roller. But fires, that's the only  
08 fire I've ever seen in my life, the  
09 one I saw on December 29th.

10 Q. Are those hot rollers ever  
11 considered hazards?

12 A. Yes. Matter of fact, the last  
13 one I seen, I immediately turned the  
14 belt --- now, this is what I did. I  
15 turned the belt off and I called  
16 outside. They said, keep that belt  
17 running. They said, you know, don't  
18 turn that belt off. I said, man,  
19 it's gone. I said, there's no way.  
20 I said, the bearing is gone. And all  
21 the stuff I hear them not believing  
22 me or not thinking I'm educated  
23 enough to know what --- the bearing  
24 was gone. So here come all the ---  
25 the vice-president, all the wheels

299

01 you can name came down there and  
02 said, my goodness, that's bad. We're  
03 going to have to change that. That's



04 why I turned the belt off the first  
05 thing because I saw it was just gone  
06 and there was nothing that I could do  
07 or nobody else do.

08 Q. Which belt was that?

09 A. That was Four belt, Four  
10 tailpiece.

11 Q. You shut down both sections.

12 A. Sir?

13 Q. You shut down both sections by  
14 doing that?

15 A. Yeah. I shut the longwall,  
16 the Second section and the Three  
17 section, Three face ---.

18 Q. To get somebody's attention  
19 real fast?

20 A. Yeah. But anyway, they  
21 couldn't understand, you know, why  
22 you turn the belts off for, don't  
23 turn them belts --- I said, man, I  
24 had to. I said, this bearing is  
25 gone. See, this is the pressure that

300

01 you have by turning the belts off.

02 You'd think the whole world comes to  
03 an end when you turn the belt off.

04 Everybody starts screaming, what did  
05 you do that for? What did you do

06 that for? And I told them, I said,  
07 man, it was gone. I said, there's no  
08 hope for it. They come down there  
09 and they said, well, you're right,  
10 it's gone.

11 Q. Who was that that came down?

12 A. Well, Gary Goff came down, the  
13 manager of mines. Pepe Lester came  
14 down, the superintendent. And Jeff  
15 Perry and practically every official  
16 that we had there was there, I mean,  
17 and they just said, hey, man, we're  
18 going to go down there and bust  
19 Carl's butt for turning that belt  
20 off. But when they came down there  
21 they said, we ain't going to bust his  
22 butt because he done did what he  
23 could do, you know. And they  
24 immediately went into the process and  
25 said, okay, well, let's change it, of

301

01 course they shut them down all day  
02 long. You know, that's where the  
03 pressure comes from.

04 MR. FRANCCART:

05 Bill?

06 BY MR. TUCKER:

07 Q. I got a few more for you,  
08 Carl.

09 A. Bring them on. I'm a  
10 midnighter anyway. I don't go to bed  
11 until 12:00, one o'clock. My wife  
12 goes to bed and I go to bed later.

13 Q. It seems you had a lot of  
14 concern on the 19th about the mother  
15 drive area.

16 A. Uh-huh (yes).

17 Q. You mentioned a few things  
18 that, you know, you had saw the haze,  
19 you was concerned with that. And  
20 then you --- it seemed to be that you  
21 really didn't want to leave until  
22 somebody else came, and you talked to  
23 Bryan and he said he could be there  
24 within five minutes.

25 A. Right.

302

01 Q. So what was your concern? I  
02 mean, what was your big concern? I  
03 mean, is it normal --- I mean, is  
04 somebody at the mother drive area  
05 around the clock or ---?

06 A. He was supposed to relieve me  
07 in person. See, he was supposed to  
08 have been there in person.

09 Q. Is that normal procedure?

10 A. Yeah, normal. You're supposed

11 --- you're not supposed to leave your  
12 job site until you're relieved. And  
13 that's how come I was hesitant,  
14 because I said, man, I don't want to  
15 leave here because something  
16 happened. But that's when the  
17 longwall called me and told me the  
18 belts were going down for 20 minutes.  
19 Then I said, well, if the belt is  
20 going to be down 20 minutes, then  
21 here, Bryan was on the phone, he  
22 said, Carl, I'll be up there in just  
23 five minutes. And that's why I left,  
24 because the longwall says, hey, man,  
25 we're shutting down for 20 minutes.

303

01 If the longwall had not called me,  
02 I'd still --- I never would have left  
03 if Bryan had not got there. I would  
04 have waited. I don't care if it  
05 would have been five o'clock, six  
06 o'clock, I would have waited.

07 Q. What was your big concern?

08 A. Well, my big concern mainly is  
09 --- I'm just going to be honest with  
10 you, my big concern was the winch box  
11 breaking. You know, I never seen no  
12 electrician up there that day. So I  
13 thought, my goodness, you know,

14 whatever Dusty did, you know, there  
15 had been no electrician to correct  
16 it. And I said, well, when Jesse  
17 Jude comes up here, I'll talk to  
18 Jesse and tell him what the problem  
19 is. But Jesse never did show up.  
20 And that's how come I told Bryan. I  
21 said, Bryan, we're having problems.  
22 That's what I meant, you know. I  
23 didn't mean to --- you know, whether  
24 there's anything wrong or this or ---  
25 I was just telling him, I said,

304

01 Bryan, we had problems here with the  
02 winch, the head breaker knocked, and  
03 I said, we told Jesse Jude. He said,  
04 well, did Jesse --- he said the word  
05 electrician. He said, has the  
06 electrician got there yet. I said,  
07 no. I said, no. I said, you need to  
08 hurry and get up here.

09 And that's basically why I was  
10 concerned. Because if I would have  
11 walked off the belt and, say, they  
12 had a big flat rock got up there and  
13 they had the system, whatever you  
14 want to say he did, and then all of a  
15 sudden, everybody said, my goodness,

16 Carl, why did you leave there for,  
17 you know, you had a problem.

18 That's how come I stayed,  
19 simply because of --- to me, the  
20 problem was not corrected that day,  
21 okay. I never did see Jesse Jude. I  
22 never did see him come up there. So  
23 when I left, that's how come I told  
24 Bryan, you know. I said, Bryan,  
25 we're waiting on Jesse Jude. And

305

01 that was my emphasis on him getting  
02 there, because of --- like I say, I  
03 never would have left there if I  
04 hadn't talked to him. The longwall  
05 didn't turn the belt --- when the  
06 longwall turned the belt, I said,  
07 man, I'm tired. I've been here all  
08 night and all day. I don't want to  
09 walk out. And Bryan even spoke to  
10 me. He said, Carl, he said, it's all  
11 right. He said, I'm here at Seven  
12 head. I'll be up there in five  
13 minutes.

14 I said, well, the belt is  
15 going to be down 20 minutes and he's  
16 going to be here in five minutes, I  
17 said, well, it will be okay, I'll  
18 just go on home instead of walking

19 out of the mines, which would have  
20 been approximately an hour and a half  
21 walk. And that's the only reason I  
22 was concerned.

23 And the only reason  
24 --- the only person that's going to  
25 clear this up is Dusty Dotson, you

306

01 know. Dusty, hey, what did you do  
02 that day? Because, hey, Carl, said  
03 you did something, but he don't know  
04 what you did. He said he was  
05 concerned about the system breaking,  
06 the breakers knocking. He said, all  
07 of a sudden, you came down there and  
08 you got in the box, and he wasn't  
09 close enough to you to see. He can't  
10 come up here and say you used a  
11 screwdriver or you did this. I  
12 didn't see anything. All I saw was  
13 the door open and him in that door  
14 and calling Jesse Jude, the  
15 electrician, to come up here and fix  
16 it.

17 Q. On the 18th of January, what  
18 shift did you say you worked? The  
19 day before the fire.

20 A. I worked second shift that

21 night.

22 Q. Did you have any trouble with

23 the longwall belt ---

24 A. No.

25 Q. --- on that day?

307

01 A. I want to tell you something.

02 And that's another thing, too.

03 Everything was perfect that night. I

04 mean, there was no haze, there was no

05 smoke there. I mean, it couldn't

06 have ran more perfectly. We had no

07 down time or nothing. And everything

08 was perfect, just that --- see, I

09 worked on day shift that Thursday.

10 That was Thursday; wasn't it? And

11 that Wednesday night and even Tuesday

12 night, there was nothing --- nothing

13 anywhere Tuesday. There's two nights

14 in a row. So what happened, it

15 happened between 3:30 and 5:30.

16 And the man who was supposed

17 to relieve me there, I just wish that

18 he was there when I left. Then I

19 could say, hey, man, I know he was

20 there. I could tell you he was

21 there. But somebody said --- you all

22 said or somebody said he got there

23 4:30. So I mean, from 3:30 to 4:30,



24 I mean, that wasn't five minutes, you  
25 know. So the only thing I can say is

308

01 when I left there at 3:30, Bryan  
02 should be able to say, hey, this  
03 happened, this happened, this  
04 happened. Because I know them nights  
05 I worked there, there was no problem  
06 whatsoever. I mean, there was no  
07 smoke, no haze, no heat. In other  
08 words, there was absolutely --- and  
09 we had no problems whatsoever. I  
10 mean, that's how good it was in those  
11 two days that I was up there.

12 Q. Okay. Have you made any belt  
13 examinations since the fire?

14 A. I've just, you know, walked my  
15 --- no, not since the fire. No, not  
16 since the fire, no. The mine foremen  
17 do this now. I have done nothing but  
18 shovel belt.

19 Q. Do you recall any grease  
20 buildup around the mother drive, the  
21 carriage unit, anything that stands  
22 out?

23 A. Well, I've said it before, I  
24 didn't notice there. Now, I couldn't  
25 say there.

01 Q. Okay.

02 A. But I noticed on a lot of  
03 rollers, where they emphasize grease  
04 until you see grease. In other  
05 words, you just don't put in a tube  
06 of grease, you got to see grease.  
07 And to me, they go through the break,  
08 what you call busting the seals, and  
09 you see grease there. A lot of this  
10 you see on these bearings. And to  
11 me, it's excessive greasing. I don't  
12 know why they want you to do that,  
13 but that's the system.

14 When I worked for Pittston  
15 Coal Company, I greased anywhere  
16 between 9 to 11 belt heads, whichever  
17 ones they was working. And I always  
18 greased them enough not to break the  
19 seal. Their emphasis was don't break  
20 the seal. And the belts went  
21 perfectly. The rollers went  
22 perfectly. The bearings went  
23 perfectly. And then when I come to  
24 Pittston (sic), they say, hey, man,  
25 grease her until you see grease. And

01 literally, you can go to some  
02 bearings and you can see three or

03 four --- three to four tubes of  
04 grease just laying on the ground.

05 Q. Okay.

06 A. And everybody complains, you  
07 know, why so much grease. Now, when  
08 I was working with Pittston we  
09 greased onced a week. Every Friday  
10 we greased. And now they want you to  
11 grease every day here, every day.  
12 Can you imagine just grease, grease,  
13 grease every day, and then all of a  
14 sudden, it's all just coming out,  
15 going on the ground?

16 Q. Have you ever observed  
17 anything being bridged out on any of  
18 the belts?

19 A. Now, personally, I haven't,  
20 okay. Personally, I have never,  
21 never --- matter of fact, I don't  
22 know how they do it; okay? But this  
23 is --- just like that day on December  
24 the 19th, when I worked, and I cannot  
25 actually say that, hey, this has

01 happened. I don't know. But you  
02 know, common sense tells you, you  
03 know. What happened, you know, I  
04 don't know. But what you asked me

05 this question, have I bridged  
06 anything out, I know I've never  
07 bridged anything. I don't even know  
08 what it is. I don't even know how to  
09 do it. Right now if you give me a  
10 million dollars, tell me, Carl, I  
11 want you to bridge out, I'd say, I  
12 have no idea what to do. I never did  
13 it. And I've never even --- I  
14 definitely never did go along with  
15 it, put it that way, when somebody  
16 says, you know, bridge this out or  
17 bridge that out. And the guy that I  
18 was trained under, Walter Grimmett,  
19 he would talk about that, you know,  
20 bridging something out or bridging  
21 this out or that out. But  
22 personally, I have never did it  
23 myself.  
24 Q. I guess what I was asking,  
25 have you ever observed anybody else

312

01 bridging anything out on the belts?

02 A. No, no, no.

03 Q. Okay. When you made your  
04 examinations on your belt lines, how  
05 do you date up? What do you ---?

06 A. Just put your initials up  
07 there and put the day's date.

08 Q. I mean, do you use --- what do  
09 you use?  
10 A. Chalk on the rubber  
11 chalkboard, date board.  
12 Q. And that's something that you  
13 do on your examination?  
14 A. Yeah. And sometimes we'll  
15 write --- I mean, there's sometimes  
16 I'll just do more than the date.  
17 What I'll write on the belt, like I'm  
18 traveling the belt --- and matter of  
19 fact, this is something that I do  
20 when I go someplace. If I see  
21 something that needs cautioned or  
22 something like that, I'll mark and  
23 put my name there, you know. Just  
24 like I see a rock in the walkway, I  
25 let them know, hey, man, this is me,

313

01 Carl White, he got this out of the  
02 way. I do things like that, you  
03 know. Or like I would drop a roller.  
04 I'd be going down and I'd see a  
05 roller that's just been stuck there  
06 God only knows how long, and I'd take  
07 my channel locks and drop that roller  
08 and put my initials down just to let  
09 somebody know. And like I said, here

10 we go again, every bit of this should  
11 have been wrote down in the book  
12 because they was hazards. But I  
13 would initial it, just let everybody  
14 know, hey, man, I've been here, I was  
15 here, I did this, I did that.

16 I know one day, my goodness, I  
17 was trying to walk the belts and  
18 cleaned up about three rib rolls  
19 before I even got where I was going,  
20 it was so bad. And I stopped there  
21 and got on my knees and busted rock  
22 and everything just to make a path  
23 clear and put my name on that rock to  
24 let everybody know, hey, man, Carl  
25 cleaned this place up. And everybody

314

01 else might have walked over it for  
02 weeks, you know, just absolutely ---  
03 just going to walk through it.

04 Because everybody is in such a hurry.

05 Everybody is in such a hurry, you  
06 know. And I don't know what's a good  
07 length for anybody to fire boss. But  
08 for me, to fire boss six heads and  
09 walk three miles in one direction ---  
10 if you don't have a ride, you walk  
11 three miles back. I mean, to me ---  
12 I mean, maybe I'm wrong, but to me,

13 that's not right. I mean, to me,  
14 it's personally too much, you know,  
15 for that one man to examine six belt  
16 heads. Then after you examine, you  
17 got to turn around and walk back.  
18 That's six miles. That takes you all  
19 day long to do that. You just can't  
20 do that in an hour or two.

21 Q. Can you walk it in three  
22 hours, ---

23 A. Yes, I can walk ---.

24 Q. --- three miles.

25 A. I can walk it in an hour and a

315

01 half. I've walked down here at the  
02 mines before, and I can walk in and  
03 out in three hours. That's from ---  
04 that's just from box cut to outside,  
05 though, which is about three miles.

06 Q. Did you date up the Number  
07 Five, Six and Seven belts on the  
08 19th? Did you use chalk to date up  
09 anywhere along Five, Six and Seven  
10 belt on the 19th?

11 A. I'm pretty sure I did down  
12 there at --- yeah, when I was at ---  
13 I think I wrote on the box, the rock  
14 box.

15 Q. There at the head?  
16 A. Yeah.  
17 Q. What about on Six and Seven?  
18 A. I'm pretty sure I may have  
19 just wrote on the rock box because  
20 there's not --- there was --- usually  
21 when you went there, there was --- it  
22 was a rock box. I seen one guy make  
23 something like a date board on a rock  
24 box. It was just a chalk-like board  
25 where he would sign that. Instead of

316

01 rubber, it would just be the rock  
02 box.

03 Q. Okay. I just have a couple  
04 more. Have you ever operated the  
05 diesel mantrip?

06 A. No, sir. Don't know how.  
07 They never trained me that yet. I've  
08 never been under the wheel of one.

09 Q. During your annual retraining,  
10 did you have any type of firefighting  
11 training?

12 A. Just how to put on a rescuer.

13 Q. As far as fighting fires, ---

14 A. No.

15 Q. --- say a diesel fuel fire?

16 A. No.

17 Q. Okay. Did you have any



18 training on diesels in your annual  
19 retraining?  
20 A. No. I haven't, no. There's  
21 some that's been trained, but I  
22 haven't --- there's some that's been  
23 trained to operate them and  
24 everything. I guess they went to all  
25 this --- they went to the schooling

317

01 for that.

02 Q. Yeah. I guess I'm referring  
03 to firefighting training, say if you  
04 had a fuel fire.

05 A. No. I ain't had not  
06 firefighting --- gone through any  
07 kind of training.

08 Q. What do you do when you  
09 observe dangerous or hazardous ribs?

10 A. Well, basically when I see a  
11 dangerous or hazardous ribs, I'll  
12 take a slate bar or whatever and pull  
13 it down, you know, keep it from  
14 falling and killing somebody.

15 Q. Okay. Mr. White, if you were  
16 down around the mother drive belt  
17 area, say just inby where the power  
18 boxes are at that you've shown on the  
19 map, and you were encountered with

20 thick smoke, the smoke was so bad you  
21 couldn't see your hand in front of  
22 your face, how would you escape out  
23 of the mines?

24 A. Well, the first thing I'd do  
25 is put on my rescuer. That would be

318

01 the first thing I would do if I seen  
02 something like that. And then I'd  
03 --- I mean, when you're --- like you  
04 said, when you're in dark smoke,  
05 can't see left hand or right hand;  
06 right? I don't know. I'd put on my  
07 rescuer. Definitely I would do that.

08 Q. Would you have any idea,  
09 looking at the map, as far as showing  
10 how you would come out of the mines?  
11 Is that something you could show,  
12 your route of travel?

13 A. Yeah. Like if I was at the  
14 mother drive, how would I come out if  
15 there was a fire?

16 Q. If you encountered --- if you  
17 had smoke from a fire?

18 A. Yeah. Yeah, I'd definitely in  
19 a split second --- I could get out of  
20 it in five minutes.

21 Q. Would you care to show us on  
22 the map how you'd do that?

23 A. Okay. This thing always ---.

24 Q. If you don't mind, use this  
25 green marker.

319

01 A. This thing right here ---.

02 Q. Let's start you out and let's  
03 say --- let's say you start out right  
04 here. You happened to be over here  
05 for some reason and you encounter  
06 thick smoke, ---

07 A. Okay. Then since I know ---.

08 Q. --- just how you'd get out.

09 A. Since I'm familiar with this  
10 area here, right down in here there's  
11 a man door. I'd just proceed coming  
12 out to there. I'd go over here in  
13 this man door and go into Two belt.  
14 That's what I would do, because I  
15 know there's a --- right here, where  
16 the mother drive is, there's a man  
17 door right here that hooks all the  
18 way up to there to Two belt. Go to  
19 the man door from ---.

20 Q. Do you want to just draw it on  
21 there, if you don't mind?

22 A. From right here, in that  
23 entryway there. And here's the  
24 mother drive right here. Of course,

25 if I was down here, I would have been

320

01 through those three breaks here. You  
02 can start right here at Two belt and  
03 come down through here into that man  
04 door right there and come all the way  
05 down through here right there where  
06 you're at, at the mother drive. So I  
07 know that, what I experienced from  
08 walking those belts. Like these guys  
09 that got into this smoke and  
10 everything, when they come down  
11 through here, they said that smoke  
12 hit them head on. Then Plumley knew  
13 what to do. He just said, okay,  
14 boys, let's go --- right in here  
15 somewhere there's a man door. That's  
16 where he took them to Two belt.

17 Q. So you're saying --- excuse  
18 me. If you start at spad 3331 and  
19 you encounter thick smoke, your  
20 escape route would be to go outby and  
21 then go over to the 48-inch belt?

22 A. Yeah, because that's what I  
23 would know from my personal  
24 experience of being there, you know.  
25 And I would know that man door would

321

01 have been --- of course, a man door

02 is, what, every five breaks?

03 Q. And the 48-inch belt, I mean,

04 why would you go there? Is that one

05 of your escape routes?

06 A. Yeah, it's a primary

07 escapeway, the Two belt is. That's

08 the primary escapeway for your intake

09 air.

10 Q. Okay. All right. Thank you.

11 MR. TUCKER:

12 You can see it's

13 marked. We'll just show this

14 as escape route if there's a

15 fire at 3331. Escape route.

16 Thank you. That's all I have.

17 BY MR. FRANCCART:

18 Q. One last question for you,

19 Carl. We're back to 1/19, if you can

20 think back one last time for us.

21 Number Seven belt in the mother drive

22 area, did you examine those areas

23 that day?

24 A. Oh, yes, four times. I mean,

25 I literally walked them four times

322

01 that day, four times. Not just one

02 day, four times. I counted them.

03 And I didn't see anything that was

04 causing anything serious, just a  
05 little haze. And it was so small  
06 that it would just vanish. I mean,  
07 it would just --- there was no  
08 buildup, no worse. And I guessed it  
09 was a haze. It might not have been  
10 anything. Because I was talking to  
11 the electrician about it. He said,  
12 oh, man, you just seen fog, you know,  
13 fog. And here, you know, --- that's  
14 what I did when I told the  
15 electrician. I said, have you ever  
16 seen any haze or anything like that  
17 in the mines. He said, Carl, that  
18 was just fog. Now, what he was  
19 referring to as fog, I don't know.  
20 But that's what my experience was  
21 when I told the electrician about it.  
22 Because he may --- could have told  
23 me, hey, Carl, you know, this was  
24 this and this was this. He said, oh,  
25 man, you probably just had some fog

323

01 up there, so it was hot air --- you  
02 know, hot air hitting cold air or  
03 whatever, you know.

04 MR. FRANCCART:

05 Mr. Hardy?

06 ATTORNEY HARDY:

07           Nothing.

08           MR. FRANCCART:

09           Carl, it's been a long  
10   day for you, I know.

11   A.   I know.  But I just hope I  
12   have a job.

13           MR. FRANCCART:

14           On behalf of MSHA, I do  
15   thank you for appearing here  
16   today and answering all our  
17   questions and sharing the  
18   information you have to share  
19   with us about the mine.  Your  
20   cooperation is very important  
21   to us as we work to determine  
22   the cause of the accident.  If  
23   you wish, you may now go back  
24   over any answer you've given  
25   us this afternoon in this

324

01   interview and can make any  
02   closing statement you would  
03   like and add any additional  
04   points you believe we should  
05   understand before we finish  
06   up.  Anything you want to add?

07   A.   Well, I just, as a person and  
08   being through what I've been through

09 with it, I'd just like to start doing  
10 everything the right way and not go  
11 by the system. If the system is  
12 wrong, then I want to be right. And  
13 if I should keep my job as a belt  
14 examiner, if I see something that I  
15 think is unsafe or hazardous, I will  
16 write it down in the book myself and  
17 see what proper action is taken. I  
18 refuse to just put dust and clean.

19 I said, okay, now I've been  
20 through this thing, I've been through  
21 the hard part of it. We're going to  
22 do this thing right. And if anybody  
23 gives me a hard time and says, hey,  
24 man, you can't write that in there,  
25 then I'm just going to call this

325

01 hotline and say, hey, I'm doing my  
02 job, and that's it. Because the  
03 system here, it definitely needs to  
04 change, you know. Because like you  
05 said, there's critical issues on the  
06 belt. There's things that need to be  
07 done and you just can't clean and  
08 dust, you know, because you're not  
09 accomplishing anything.

10 Just like we're working on  
11 these belts right now. Them belts



12 should have been written up a long  
13 time ago, not just right now. Them  
14 belts should have been written up a  
15 long time ago, I mean, completely  
16 hazardous on the off side.

17 You can tell nobody has been  
18 on the off side, you got balls of  
19 string that round. I took a ratchet  
20 here about a week or so ago and had  
21 some help and we took a ratchet and  
22 took the rollers out of the brackets,  
23 the hangers, and took every piece of  
24 string that was on them. And I  
25 didn't just take a knife and cut

326

01 around them. I literally took my  
02 ratchet and took every one of them  
03 strings. You go down the One belt  
04 right now, it's clean as a whistle.  
05 I mean, it's clean, clean. And so  
06 that's the concerns of being in the  
07 off side, you know. But how do you  
08 walk the off side and --- how do you  
09 walk the off side and walkway side  
10 when both of them are critical, when  
11 both of them are tough, you know.  
12 Like we're having a hard time right  
13 now just walking the off side three

14 miles a day.

15 I brought me one of these  
16 walking things out here just to see  
17 how much I was walking in one day.  
18 It was three miles a day of walking.  
19 And a lot of times, you know, you go  
20 into a lot of mines, you can catch a  
21 ride. Say if you go over right at  
22 Two you catch a mantrip or something  
23 like that. But down in Rum Creek,  
24 there's no traffic down there. So if  
25 you're going to start right here at

327

01 Five head and walk all the way out  
02 here, over the land belt and over by  
03 the tipple there and come all the way  
04 back, you're talking about a lot of  
05 walking.

06 And this is what they should  
07 do and this is what I asked. I went  
08 in the office one time and I talked  
09 to the superintendent/general manager  
10 of mines. This is what I said. I  
11 said, I need some help to walk my  
12 belts legally. I said, I don't want  
13 to walk them at just any time. I  
14 don't want to just --- you know, just  
15 do anything that's illegal. I said,  
16 I want to walk my belts legally. And

17 I thought for sure the next morning  
18 I'd have help. And they did not give  
19 me no help. They have never given me  
20 a helper since I've been here in this  
21 mines. And there's one man, they  
22 give him a helper everything he does.

23 Now they moved me up to mother  
24 drive, which was approximately five  
25 weeks or so. They moved him down Rum

328

01 Creek. Now, when they moved him Rum  
02 Creek, his buddy that he had help him  
03 up on the mother drive, doing all his  
04 work for him, took him to Rum Creek  
05 to do all his work for him. And now  
06 his buddy down there does all the  
07 greasing and cleaning, and he fire  
08 bosses the belts. And I thought,  
09 well, they don't give me some help?  
10 Why do they expect me to grease and  
11 clean six heads for and walk three  
12 miles down and three miles back?  
13 They should consider that, you know.

14 And so they should do me the same  
15 way. They should say, hey, Carl, we  
16 know you're having a problem. We  
17 know you can't ride --- we know you  
18 can't catch a ride. We'll give you

19 some help.

20 And this came from upstairs.

21 I went in there and talked to him,  
22 and I got no results whatsoever. I  
23 went in there, and it was just like  
24 talking to that wall. And I walked  
25 right back out with no help. And you

329

01 try to take care of six belt heads  
02 and walk three miles one way and  
03 three miles back, you're talking  
04 about a lot of traveling and a lot of  
05 greasing and a lot of cleaning. And  
06 that's the situation I've been in  
07 here since I've been here.

08 So Lord willing I get to keep  
09 my job, you know, I'm going to be ---  
10 like that federal mine inspector said  
11 in Kentucky, he said, Carl, you're  
12 the best beltman I've ever seen in my  
13 life. I want to be that best beltman  
14 this mines has ever had. And I might  
15 be tough and I might be rough and I  
16 might get a lot of, you know,  
17 scolding and all that, but I'll say,  
18 hey, man, I saw this, it's going in  
19 the book, and let the action be  
20 taken. You know, no more of this  
21 clean and dust.

22           It's just made a better man  
23 out of me. From now on, when I go to  
24 that dispatcher I'll say I want me a  
25 detector. I want one that can check

330

01 the gas, check the CO and check the  
02 oxygen. I'll say, I want that one.  
03 And if I can't have one, I'm going to  
04 go up to the general manager of mines  
05 and say, hey, buddy, I'm not going to  
06 go inside this mines until you give  
07 me what I need, and let it be there.

08       Because it's aggravating when you go  
09 up to the dispatcher and he says,  
10 Carl, we don't have any. And this  
11 actually happened one day. One man  
12 come by there and didn't have any and  
13 called upstairs and said, hey, Gary,  
14 the manager of mines, I don't have no  
15 detector. Gary says, come up here  
16 and get mine. So that's how short we  
17 were.

18       So when I go back to the mines  
19 I'm going to say, hey, boys, I'm  
20 going to be a belt examiner and I'm  
21 going to do it right. I ain't going  
22 to come in here and do what I've been  
23 doing. I'll say, now I've been

24 through the school. I mean, I've  
25 been through the hard knocks, and

331

01 from now on when I sign the book, I'm  
02 going to put, hey, man, this is a  
03 problem, you know, and see that it  
04 gets corrected.

05 Because like I say, I've been  
06 here for 19 months and it's just like  
07 the blind leading the blind. You  
08 check our books. It's not just me.  
09 It's every fire boss we got. It's  
10 just the same old thing over and  
11 over. Nobody is writing anything in  
12 the books. All you got to do is  
13 check the books yourself, the little  
14 clippings you gave me. I mean, it's  
15 like that for back five years, ever  
16 since the mines has been here.

17 And I know they're doing  
18 better on safety. I know they're  
19 emphasizing safety glasses. They're  
20 emphasizing gloves. And they're  
21 emphasizing rescuers. They've  
22 trained all of us on how to put on a  
23 rescuer, how to break it down and put  
24 it on. So I believe it's going to be  
25 a better place to work. And I just

332

01 hope it's not one of these things  
02 that they do it for about a month and  
03 say, well, let's just go back to our  
04 old ways again.

05 That's when I'm going to say,  
06 hey, no, I'm going to do it the right  
07 way, and that's the only way I'm  
08 going to do it. Because I have to do  
09 it the right way because I've been  
10 through all this right here now and I  
11 know how serious it is. I'm going to  
12 say, hey, man, this is serious. You  
13 know, if I see a rib roll or  
14 something like that, I'm going to  
15 write down, hey, there's a rib roll  
16 right here at break 24 on Four belt  
17 and I'm going to write it down in  
18 that book. Then you can see, you  
19 know, what action is taken and what  
20 is done and get that thing moved out  
21 of the way.

22 But I believe a lot of the  
23 times people don't want to put the  
24 problem down because they don't want  
25 to take care of the problem. They're

333

01 going to say, hey, man, if you seen a  
02 rib roll, that means I got to go down

03 there and clean that thing tonight.  
04 But if you just put clean and dust,  
05 they say, oh, man, that's no problem.

06 You know, we'll just clean the  
07 tailpiece and throw a little bit of  
08 dusting down and write down, hey,  
09 man, action taken, cleaned and dust.

10 And matter of fact, this is the  
11 first books I've ever had opportunity  
12 to look at. But when I first saw  
13 these books, common sense told me, my  
14 goodness, you know, I mean, this is  
15 all you're going to write down is  
16 clean ---? I mean, common sense  
17 would tell me that. But like I say,  
18 it's just the system, you know. And  
19 so --- okay.

20 Just like right now. We've  
21 had this fire and I haven't signed  
22 any books. I haven't looked at any  
23 books because they got me shoveling  
24 belt. But anybody check the books  
25 tomorrow and see what do they say. I

334

01 guarantee you they're going to say  
02 clean and dust, clean and dust, clean  
03 and dust. And I mean, is it going --  
04 - is it ever going to take effect?  
05 Hey, we got to do it right, you know.



06 The law says do it right. So when I  
07 see something, a hazardous duty, a  
08 belt rubbing or a roller that's wore  
09 out, hey, I'm going to put it in this  
10 book and I'm going to say, hey, this  
11 is what I found. It's not clean and  
12 dust. I seen this roller here that  
13 needs to be changed. Or if this  
14 bearing was hot, I put my heat gun on  
15 it and it was running 125, I'd put it  
16 right in the book. See, I've never  
17 been told that. I've never been  
18 taught that. I've just been taught,  
19 hey, man, you just put down clean and  
20 dust. And it's sad, but it's where  
21 I've been. That's the training that  
22 I've had.

23 And you know, what they say,  
24 you can't make an old dog do new  
25 tricks or something like that?

335

01 That's what I've been. I've been an  
02 old dog, you know, doing the same old  
03 thing over and over again. And this  
04 has deeply changed me of being a coal  
05 miner and the seriousness of it and  
06 things like that, you know. Like I  
07 say, I'd like to keep my job. And

08 I've had three or four job offers  
09 since this fire here, but I like  
10 where I'm at, you know. I live here.  
11 This is my home. I said, well, I'm  
12 going to stay here as long as I can.  
13 Had a man offer me a job the other  
14 day, \$210 a shift, you know, off  
15 every other Saturday, coal bonuses,  
16 safety bonuses, and I said, man, I'm  
17 just going to stay right here at  
18 Aracoma until I see what happens.  
19 Several jobs. I mean, I've had at  
20 least three job opportunities, you  
21 know, since this.

22 A lot of guys has took those  
23 opportunities. They said, hey, man,  
24 this place is gone, you know. We've  
25 had a fire and who knows when we're

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01 going to get back to work, and  
02 they're leaving. I mean, they're  
03 just leaving like crazy, you know.  
04 Had one man, he's a --- worked in the  
05 mines maybe as a miner, maybe had his  
06 bossing papers, and he went over at  
07 this mines and they hired him on the  
08 spot. And he says, Carl, I want your  
09 phone number because, he says, I'm  
10 going to see if they need any

11 beltmen. I'm going to get back with  
12 you. So I mean, I've got people  
13 wanting me to come to work for them,  
14 but I said, no, I'm going to stay  
15 here and I'm going to wait this thing  
16 out. Just like this exam right here,  
17 like Dave and I --- I had an  
18 interview with him the second day  
19 that it happened, and I said, well, I  
20 know I'm going to get called in. And  
21 I hate to leave, you know, hate to  
22 leave you working over in Beckley  
23 somewhere. I said, no, I got to go  
24 back to Aracoma to --- I said, man, I  
25 want to stick this thing out, you

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01 know.  
02 So I'm glad you called me in  
03 and I'm glad I'm here, you know. And  
04 I want to do my best, you know, to  
05 help the problem that this never  
06 happens again, you know, we never  
07 hear about another beltman  
08 suffocating or any belt fire or  
09 something like that. See, this is my  
10 main objective, you know, that we'll  
11 not lose another person because of  
12 somebody else's negligence, you know,

13 failed to write down this or write  
14 down that. And it's just made me a  
15 better person and it's going to make  
16 me a better coal miner because I'm  
17 taking it real serious. You know,  
18 this is not just something I'm going  
19 to joke about, kid about. It's going  
20 to be real serious.

21 And I'd like to keep my job  
22 here where I can let you guys come  
23 back a year from now and check the  
24 books and say, well, Carl White, he  
25 told us he was going to do this

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01 stuff, and buddy, he's doing it. And  
02 if I get any flack or anything like  
03 that, I'm just going to call you on  
04 this hotline, say, man, I got a hot  
05 job and a hotline here.

06 Anyway, it's --- I'm sorry  
07 about the accident and everything  
08 like that. I loved  
09 --- see, I sort of look at it this  
10 way. Now, this is honest opinion.  
11 It's not been egotistical or anything  
12 like that. But I wish that I was  
13 there that day. You know why? Now,  
14 this is not being egotistical,  
15 bragging on myself. I believe I

16 would have brought everything under  
17 control, saved two men's life, saved  
18 this mines. I believe I would have  
19 did that. I mean, I really believe  
20 that. Everybody says, oh, man, there  
21 wasn't nothing you can do, you know.  
22 You would have been like everybody  
23 else. But I believe that it would  
24 have made a difference if I was  
25 there. Now, you might think, man,

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01 you're a braggart, you're a boaster.  
02 But it's not that, because I know the  
03 man that I am. I know what I think  
04 about, you know, handling, you know,  
05 serious situations and stuff like  
06 that.

07 And that's the only thing I  
08 regret because, to me --- like I was  
09 there all day long that day. I did  
10 not see anything. Now, if I would  
11 have saw any kind of fire or any kind  
12 of thing, I would have said, hey,  
13 man, I've got to stop this thing.  
14 That's what I don't understand. I  
15 don't understand how a fire can get  
16 such out of control that nobody can  
17 do nothing about it when somebody was

18 there. I mean, my goodness, I mean,  
19 if I set this little thing on fire  
20 with a match, common sense tells me  
21 to put it out, don't wait here until  
22 it burns the whole building down,  
23 then call the fire department. And  
24 that's the only thing that bothers me  
25 about this thing. I say I just

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01 wished I was there. Either I would  
02 have died with those boys or I would  
03 have put the fire out.

04 And maybe that's why I wasn't  
05 there, because the good Lord knows  
06 what's best. Because I've been  
07 around --- I've been through death a  
08 lot of times, you know. Went through  
09 Vietnam one year and I've been around  
10 several people, you know, that's  
11 died. And like I said, if I was  
12 there, that mines --- you all might  
13 say, well,  
14 --- see, when I first heard that two  
15 men died, I thought maybe it was a  
16 beltman. I said, Bryan --- I said,  
17 Bryan's got killed. Then I thought,  
18 well, maybe it's Pepe or maybe it's  
19 Gary. And that's the three men who I  
20 thought it was. So if I would have

21 worked that night, it might have been  
22 me. Because I was the type of guy  
23 --- I'm the type of guy, you know,  
24 I'd have --- I'm the type of person  
25 that when I get into something

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01 working, I don't leave until I get it  
02 done, you know, don't take a lunch  
03 break. There's times I've been  
04 welder welding these silos up, I've  
05 welded eight hours a day without  
06 taking a drink of water, 40 foot off  
07 the ground and not coming down where  
08 I get into something, you know, say,  
09 hey, man, I'm going to get this and  
10 finish it.

11 And right here, I don't know  
12 the hours that I've worked this year,  
13 you know. I mean, I've worked and  
14 I've worked and I've worked, and I've  
15 made more money this year than I've  
16 ever made in my life, which is  
17 \$73,000. I don't say that to be  
18 bragging or anything, but just to  
19 show you the hours you put in. You  
20 don't make that kind of money by  
21 putting in 40 hours a week. That's  
22 the most money I ever made in my

23 life.

24 So this has made me a way  
25 better person, not only as a coal

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01 miner, but as a person, you know, and  
02 as a person that, hey, man, you need  
03 to, you know, take life seriously,  
04 you know, do what you can. If you  
05 see a danger, just like that night I  
06 was going home. Here's a woman out  
07 in the middle of the street, stop,  
08 stop, stop, then I seen this man over  
09 by the car, and I said, this looks  
10 like a setup for me. I said, I'm not  
11 going to take this chance. And  
12 pardon me for saying this, but  
13 there's prostitutes and drug addicts  
14 galore. You know, it's Cora Alley up  
15 there. I live right up there above  
16 it. And I said there's no way that  
17 I'm going to stop and fall for this  
18 because I don't know what they're  
19 doing, and here is me taking care of  
20 the problem.

21 Just like if I was there that  
22 night, I believe with all my heart I  
23 could have, you know, did something  
24 about it. I could have told you ---  
25 everything you've asked me today, I



01     could have told you everything if I  
02     was there. But when I seen that  
03     problem up there on the road, I said,  
04     there's no way I'm going to stop my  
05     car because I can get myself beat to  
06     death. I went straight to the house.  
07     Anybody else would have said, hey,  
08     just get out of my way, stupid, and  
09     go home and go to bed. But I said,  
10     somebody has got a problem there.  
11     And I said, I may not be able to help  
12     them because I don't want nobody to  
13     beat my brains out, you know, so I  
14     went and called 9-1-1. I said, my  
15     name is Carl White, I live up here at  
16     Holden. I just passed the road down  
17     here and one woman was out in the  
18     middle of the road, trying to flag me  
19     down. And I looked over here, and  
20     there's a man by the car. And I  
21     thought, well, the woman might not  
22     have been so bad, you know. But when  
23     I saw this man over here, common  
24     sense says, buddy, you better not  
25     stop. I about run over the lady

01     getting her out of my way. She was

02 right in the middle of the road. But  
03 I went up there and I called 9-1-1.  
04 I said, man, there's somebody down  
05 here, they need help. I said, I  
06 didn't stop because I was afraid I  
07 was going to get hurt or something.  
08 I said, would you please just call  
09 the State Police or call the deputy  
10 sheriff, you know, just go down  
11 there. If they're broken down, then  
12 they can help them. But if they're a  
13 bunch of crack addicts down there,  
14 trying to set me up, you know, for a  
15 dollar --- and buddy, it's bad around  
16 here. If you all live around here,  
17 this is one wild place, buddy.

18 MR. FRANCCART:

19 Well, Carl, we do  
20 appreciate you coming in. And  
21 we do ask that you not discuss  
22 this interview with anybody  
23 because we want to get an  
24 independent memory of other  
25 people that we might interview

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01 in the future.

02 After questioning other  
03 witnesses and obtaining  
04 additional information, we may

05 ask you back for other  
06 questions if necessary.  
07 Normally it's not, but just in  
08 case, we want you to know up  
09 front. If at some later point  
10 you have additional  
11 information regarding the  
12 accident, Mr. Murray, who's  
13 the lead investigator, and Mr.  
14 Webb have their cards here.

15 You can give them a call.

16 A. What if you hear things? You  
17 know, you just hear what somebody  
18 else says? Because that's the only  
19 thing I know about the accident, is  
20 what somebody else says.

21 MR. FRANCCART:

22 Well, if you hear  
23 something that you think they  
24 might be interested in, give  
25 them a call. They'd be glad

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01 to hear from you.

02 The Mine Act, like I  
03 said before, does provide  
04 certain protection for  
05 individuals who participate in  
06 accident investigations. If

07 at any time you believe that  
08 you have been treated unfairly  
09 because of your cooperation in  
10 this investigation, please  
11 contact Mr. Murray or Mr.  
12 Webb, and they'll take care of  
13 that for you. And Bill, do  
14 you have a closing statement?

15 MR. TUCKER:

16 I'd just like to  
17 mention that state law does  
18 protect you against  
19 discrimination if you report  
20 safety violations or safety  
21 concerns. If you feel like  
22 you're discriminated against  
23 because of that, here's my  
24 card, if you need to contact  
25 me. And this is C.A.

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01 Phillips' card. He's our  
02 Deputy Director out of our  
03 Charleston office. And we do  
04 appreciate you coming in  
05 today.  
06 A. When I got called yesterday to  
07 come in here, you know, I said, well,  
08 I just can't come in here and not  
09 tell anybody at work. I called the

10 superintendent myself and I said, I  
11 just want you to know I can't work  
12 tomorrow because I got an interview  
13 with MSHA. And he just says, okay.  
14 And I hope that's as far as it goes,  
15 you know.

16 \* \* \* \* \*

17 SWORN STATEMENT

18 CONCLUDED AT 8:09 P.M.

19 \* \* \* \* \*

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