October 30, 2006

Fatal Haulage Accident
(Underground Coal Mine)

Double Bonus Coal Company
No. 65 Mine
Permit No. U-4002-02

Region 2
Fred B. Stinson, Inspector-at-Large
# TABLE OF CONTENTS

SKETCHES ................................................................................................................... iii, iv

GENERAL INFORMATION .............................................................................................1

DESCRIPTION .................................................................................................................1, 2

FINDINGS OF FACT .......................................................................................................2, 3

CONCLUSION ....................................................................................................................3

RECOMMENDATIONS ..................................................................................................3, 4

ENFORCEMENT ACTION ................................................................................................4

ACKNOWLEDGMENT & SIGNATURES .........................................................................4, 5

APPENDIX ..........................................................................................................................5

MINE INFORMATION ......................................................................................................6

VICTIM INFORMATION ..................................................................................................7

INJURED INFORMATION .................................................................................................8

INVESTIGATION .............................................................................................................9, 10, 11, 12, 13, 14
FATAL HAULAGE ACCIDENT
DOUBLE BONUS COAL COMPANY
NO. 65 MINE
PERMIT NO. U-4002-02

General Information

A fatal haulage related accident occurred at approximately 7:05 a.m. on October 30, 2006, at the Double Bonus Coal Company, No. 65 mine. The accident occurred on the First Right section where Mr. Brett N. Gibson and Mr. David P. Lane were cleaning loose coal from the operator’s deck of the Joy 21 shuttle car and also making repairs to the sticking tram controls.

Brett Gibson, age 31, was fatally injured when he was caught between the Joy 21 shuttle car and coal rib. Neither Mr. Gibson nor David Lane, injured, age 31, was properly positioned in the operator’s deck with the shuttle car running at the time of this occurrence. Mr. Gibson and Mr. Lane had positioned themselves outside the operator’s deck while cleaning loose coal from the deck and lubricating the tram controls when the shuttle car began to tram forward without warning, causing Mr. Gibson and Mr. Lane to be caught between the coal rib and shuttle car.

Kenneth Lambert, President, called the Wyoming County 911 Center at 7:14 a.m., then notified Fred B. Stinson, Inspector-at-Large, with the Office of Miners’ Health, Safety and Training, of the accident at approximately 7:44 a.m. A verbal order was issued to control the area and equipment until an investigation was completed. A joint investigation with the Mine Safety and Health Administration, the United Mine Workers of America and mine management was started immediately.

Description

The Double Bonus Coal Company, No. 65 mine, is a drift opening mine that produces coal in the Fire Creek seam and is located near Pineville in Wyoming County. Mining is conducted with two continuous miner units. Employees and supplies are transported by rubber tired battery powered equipment and coal is removed from the working sections via conveyor belts to the surface.

On Monday, October 30, 2006, the day shift crew under the direction of Troy Hill, Section Foreman, entered the mine at approximately 5:00 a.m. Upon arriving on the First Right section at approximately 5:15 a.m., Mr. Hill gave job assignments to the crewmembers. A section and conveyor belt move had been started on a previous shift, and Mr. Hill directed crew members to move trailing cables, cable anchors, set the conveyor belt feeder in the No. 4 entry and supply the roof bolt machines while Charles D. Williams and David Lane along with other electricians completed installing a conveyor belt drive one break outby the section conveyor belt feeder.
At approximately 6:45 a.m. Chris Mullens, Continuous Miner Operator, and Brett Gibson, Shuttle Car Operator, began mining on the left side of the section in the No. 3 entry working face while the other crewmembers continued the move work on the right side of the section. After loading and dumping the first shuttle car, Charles Williams, Chief Electrician, stated that Mr. Gibson came to him at the conveyor belt drive telling him the tram controls were sticking. Mr. Williams then directed David Lane, an Apprentice Electrician, to get his tools and spray lubricant and help Mr. Gibson make the needed repairs to the tram controls. While Mr. Lane went for his tools, Mr. Gibson trammed the shuttle car back to the No. 3 working face for his second shuttle carload of coal. Upon returning to the conveyor belt feeder, Mr. Gibson dumped the second shuttle car of coal while Mr. Lane waited in the No. 3 entry crosscut. After dumping the shuttle car of coal, Mr. Gibson moved the shuttle car a short distance in the No. 3 to No. 4 crosscut off the section dumping point where he and Mr. Lane began to clean loose coal from the deck of the shuttle car and lubricate the tram pedals. Without warning, the shuttle car began to tram forward catching Mr. Gibson against the coal rib and pulling Mr. Lane along the coal rib into the No. 3 entry crosscut where Mr. Lane fell away from the shuttle car. The shuttle car continued to tram forward making a left turn one break out by striking the section power center and knocking the shuttle car breaker.

Mr. Hill and Mr. Williams stated that after hearing the noise of the shuttle car striking the power center, they went to the feeder where they found Mr. Gibson and Mr. Lane lying on the mine floor. Mr. Hill, Mr. Williams and crewmembers began to assist Mr. Gibson and Mr. Lane. Mr. Hill called outside and notified them of the accident and the need for ambulances. Mr. Gibson and Mr. Lane were transported to the surface where Mr. Lane was flown by Health Net to CAMC and Mr. Gibson was pronounced dead at the mine site by the Wyoming County Medical Examiner.

Findings of Facts

1. Brett Gibson, victim, and David Lane, injured, were caught between the Joy 21 shuttle car, Serial Number ET17407, and the coal rib near the belt dumping point on the First Right section.

2. Brett Gibson, victim, and David Lane, injured, had positioned themselves outside the operator’s deck of the Joy 21 shuttle car, Serial Number ET17407, with the shuttle car control switch in the run (On) position.

3. Brett Gibson, victim, and David Lane, injured, were in the process of cleaning loose coal from the operator’s deck of the Joy 21 shuttle car, Serial Number ET17407, when the accident occurred.

4. According to statements given during the investigation of this accident, the tram control of the Joy 21 shuttle car, Serial Number ET17407 was sticking when the first shuttle car was loaded during this shift.
5. According to statements given during this investigation, the section conveyor belt feeder, the section conveyor belt, and the conveyor belt drive one break outby were operating at the time of the accident.

6. According to statements given during this investigation, the tram controls for the Joy 21 shuttle car, Serial Number ET17407 would stick at least two times a week and loose coal would have to be cleaned from the operator’s deck to free up the tram lever.

7. According to statements given during this investigation, spray lubricants were used to lubricate the tram pedals of the Joy 21 shuttle car, Serial Number ET17407 after they began to stick in place.

8. Brett Gibson received annual refresher training on June 17, 2006.

9. David Lane received new task, experienced, and hazard training on September 18, 2006.

10. On October 31, 2006, M.S.H.A. Tech Support representatives and West Virginia Office of Miners’ Health, Safety and Training representatives inspected and tested the Joy 21 shuttle car, Serial Number ET17407 and found no deficiencies or violations.

11. On November 6, 2006, Joy Mining Machinery representatives and engineers, accompanied by West Virginia Office of Miners’ Health Safety and Training representatives, inspected and tested the Joy 21 shuttle car, Serial Number ET17407 and found no deficiencies or violations.

**Conclusion**

Brett Gibson was fatally injured when he was caught between a shuttle car and coal rib. Neither Mr. Gibson nor David P. Lane, injured, was properly positioned in the operator’s deck with the shuttle car running at the time of this occurrence.

Mr. Gibson and Mr. Lane had positioned themselves outside the operator’s deck while cleaning loose coal from the deck and lubricating the tram controls when the shuttle car began to tram forward without warning, causing Mr. Gibson and Mr. Lane to be caught between the coal rib and shuttle car.

**Recommendations**

1. Equipment operators shall not leave the equipment operating deck with the equipment running.

2. The shuttle cars shall be de-energized prior to performing any repair or maintenance; this includes cleaning out the operator’s deck.
3. The operating decks of the shuttle cars shall be cleaned and linkages greased prior to being placed into production on each shift.

4. Shuttle car decks shall be kept free of excessive accumulations of coal/coal dust which interfere with the operating controls.

**Enforcement Action**

The following enforcement action was taken as a result of the investigation.

A non-assessed control order was issued in accordance with West Virginia Mine Law 22A-2-68. The following enforcement action was taken as contributing factors to the accident.

*Violation Number One: 36-18-4.1*

It was been revealed by statements given during investigative interviews following a fatal accident and investigation of the accident scene that the tram controls of the standard Joy 21 shuttle car, Serial Number ET17407, being operated on the 1 Right section were sticking. Brett N. Gibson was fatally injured and David P. Lane was injured when the shuttle car began to tram. Neither Mr. Gibson nor Mr. Lane was properly positioned in the operator’s deck with the shuttle car running at the time of this occurrence. It was also revealed that the park brake was not engaged.

*Violation Number Two: 36-30-4.4 and 4.5*

It has been revealed by statements given during investigative interviews following a fatal accident and investigation of the accident scene that Brett N. Gibson was fatally injured and David P. Lane was injured when the standard Joy 21 shuttle car, Serial Number ET17407, being operated on the First Right section began to tram while maintenance was being performed on the tram controls. Neither Mr. Gibson nor Mr. Lane was properly positioned in the operator’s deck, with the shuttle car running at the time of this occurrence. It was also revealed that the park brake was not engaged.

**Acknowledgment**

The West Virginia Office of Miners’ Health, Safety and Training acknowledges the cooperation of the employees and management of Double Bonus Coal Company, the United Mine Workers of America, Joy Manufacturing representatives and the Mine Safety and Health Administration during this investigation.

Respectfully submitted:

Terry Farley, Administrator of Enforcement

Date
Appendix

- List of persons providing information or present during the investigation
- Mine Information
- Victim Information
- Injured Information
- Sketches
## Mine Information

<table>
<thead>
<tr>
<th>COMPANY NAME</th>
<th>Double Bonus Coal Company</th>
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<tbody>
<tr>
<td>MINE NAME</td>
<td>No. 65</td>
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<tr>
<td>WV PERMIT</td>
<td>S-4002-02</td>
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<tr>
<td>MSHA PERMIT NO.</td>
<td>46-09020</td>
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<tr>
<td>ADDRESS</td>
<td>P.O. Box 414, Pineville, WV 24874</td>
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<tr>
<td>COUNTY</td>
<td>Wyoming</td>
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<tr>
<td>PHONE NUMBER</td>
<td>732-6638</td>
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<td>DATE PERMIT ISSUED</td>
<td>June 23, 2004</td>
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<tr>
<td>WORKING STATUS</td>
<td>Active</td>
</tr>
<tr>
<td>LOCATION</td>
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<td>UNION</td>
<td>Yes</td>
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<td>NON-UNION</td>
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<tr>
<td>DAILY PRODUCTION</td>
<td>4,200 Tons</td>
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<td>ANNUAL PRODUCTION TO DATE</td>
<td>897,791</td>
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<td>TOTAL EMPLOYEES</td>
<td>63</td>
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<td>NUMBER OF SHIFTS</td>
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<tr>
<td>NAME OF COAL BED</td>
<td>Fire Creek</td>
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<tr>
<td>SEAM THICKNESS</td>
<td>36 Inches</td>
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<td>ACCIDENT INCIDENT RATE</td>
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<td>LOST TIME ACCIDENTS</td>
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<tr>
<td>TYPE OF HAULAGE</td>
<td>Conveyor</td>
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<tr>
<td>WVOMHST INSPECTOR</td>
<td>Paul Smith</td>
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<tr>
<td>DATE OF LAST INSPECTION</td>
<td>September 12, 2006</td>
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<tr>
<td>NOTIFIED BY</td>
<td>Kenneth Lambert</td>
</tr>
<tr>
<td>TIME OF NOTIFICATION</td>
<td>7:44 A.M.</td>
</tr>
<tr>
<td>CMSP – ANNIVERSARY DATE</td>
<td>June 1, 2007</td>
</tr>
<tr>
<td>CMSP – CONTACT PERSON</td>
<td>Kenneth Lambert</td>
</tr>
</tbody>
</table>
Investigation/Interviews

The following persons were present during the on-site investigation conducted on October 30, 2006, of the accident site on 2 Right section.

WV Office of Miners’ Health, Safety and Training

Terry Farley       Administrator of Enforcement
Donald L. Dickerson     Assistant Inspector-at-Large
Bob Thornsberry     Electrical Inspector
Bill Lawson         Electrical Inspector
Paul Smith         District Inspector
Greg Norman         District Inspector

Mine Safety and Health Administration

Bob Hardman      Acting District Manager
James R. Humphrey     Accident Investigator
Kelly Acord      Mine Inspector
Ted Tilley       Mine Inspector

Double Bonus Coal Company

Kenneth Lambert    President
Dale Lusk      Mine Foreman
Charles Williams Day Shift Maintenance Foreman
Troy Hill      Day Shift Section Foreman
Patrick Graham    Safety Director
Donnie Coleman   Safety Consultant

United Mine Workers of America

Gary Trout International Representative
Joe Carter    District 17 President
Jerry Massie   District Representative
The following persons were present during investigative interviews conducted on October 31, 2006, at the Pineville, West Virginia, M.S.H.A.’s office.

WV Office of Miners’ Health, Safety and Training

Terry Farley                  Administrator of Enforcement  
Fred B. Stinson               Inspector-at-Large  
Donald L. Dickerson           Assistant Inspector-at-Large  
Paul Smith                    District Inspector  
Greg Norman                   District Inspector  

Mine Safety and Health Administration

James R. Humphrey             Accident Investigator  
Marty Carver                  Accident Investigator  

Double Bonus Coal Company

Dale Lusk                     Mine Foreman  
Patrick Graham                Safety Director  
Donnie Coleman                Safety Consultant  
Stephen Ball                  General Counsel  
*Charles Williams             Day Shift Maintenance Foreman  
*Troy Hill                    Day Shift 1 Right Section Foreman  
*Ronald L. Dunn               Third Shift Maintenance Foreman  
*Dally R. Maynard, Jr.        Day Shift Shuttle Car Operator  
*James Eric Lowrey            Day Shift Shuttle Car Operator  
*Danny Hatfield               Day Shift Foreman/Fire Boss  
*Wayne Monk                   Day Shift Roof Bolter Operator  
*Erby Hall, Jr.               Day Shift Roof Bolter Operator  
*James Carter                 Second Shift Section Foreman  
*Chris Mullens                Day Shift Continuous Miner Operator  
*Kevin Blankenship            Day Shift Electrician  
*Mike Mullens                 Day Shift 7 Right Electrician  
*Billy Webb                   Second Shift Shuttle Car Operator  

*Denotes Persons Interviewed

United Mine Workers of America

Max Kennedy                   International Representative
The following persons were present during the on-site inspection conducted on October 31, 2006, of the Joy 21 shuttle car, Serial Number ET17407, involved in the fatal accident.

WV Office of Miners’ Health, Safety and Training

Bob Thornsbury     Electrical Inspector
Bill Lawson

Mine Safety and Health Administration

Don Fink     Electrical Inspector
James Honaker     Electrical Inspector
Wayne Carey     Tech Support
Ron Medina     Tech Support

Double Bonus Coal Company

Kenneth Lambert     President
Charles Williams     Day Shift Maintenance Foreman
Daran Parker     Day Shift 7 Right Section Foreman

United Mine Workers of America

Pinky Mullens     Local Representatives
The following persons were present during investigative interviews conducted on November 1, 2006, at the Double Bonus Coal Company’s office.

WV Office of Miners’ Health, Safety and Training

Paul Smith       District Inspector

Mine Safety and Health Administration

James R. Humphrey       Accident Investigator
Marty Carver           Accident Investigator
James Honaker          Electrical Inspector

Double Bonus Coal Company

Kenneth Lambert       President
Patrick Graham        Safety Director
*Frank Gillispie, Jr. Second Shift Electrician
Donnie Coleman        Safety Consultant

*Denotes Person Interviewed

United Mine Workers of America

Gary Trout            International Representative
The following persons were present during the on-site inspection conducted on November 6, 2006, of the Joy 21 shuttle car, Serial Number ET17407, involved in the fatal accident.

**WV Office of Miners’ Health, Safety and Training**

Donald L. Dickerson     Assistant Inspector-at-Large  
Greg Norman      District Inspector  
Bill Lawson      Electrical Inspector

**Mine Safety and Health Administration**

James R. Humphrey     Accident Investigator

**Double Bonus Coal Company**

Kenneth Lambert     President  
Dale Lusk      Mine Foreman  
Charles Williams     Day Shift Maintenance Foreman  
Thomas Haynes     Second Shift Maintenance Foreman

**Joy Mining Machinery**

Lawrence J. Lepidi     Director of Law and Government Affairs  
Ronald Dickey      Engineering Supervisor  
Doug Anderson     Technical Engineer  
Lloyd Fox      Field Representative
The following persons were present during investigative interviews conducted on November 14, 2006, at Charleston Area Medical Center.

WV Office of Miners’ Health, Safety and Training

Donald L. Dickerson     Assistant Inspector-at-Large

Mine Safety and Health Administration

James R. Humphrey     Accident Investigator
Marty Carver       Accident Investigator

Double Bonus Coal Company

Patrick Graham     Safety Director
*David P. Lane      Day Shift Trainee Electrician

*Denotes Person Interviewed