

Report of Fatality
Fall of Roof and Rib
Underground

February 28, 2025

Marfork Coal Company, LLC.
Black Eagle Mine
Permit Number U00300118
Wright Concrete and Construction, Inc.
Permit Number C00007262
Near Pettus in Raleigh County

Region IV Office
337 Industrial Drive
Oak Hill, WV 25901
Christopher M. Dawson, Inspector-at-Large

Table of Contents

Photos	1
Timeline	3-4
General Information	5
Accident Site Conditions	6
Accident Description	6
Findings of Fact	8
Conclusion	9
Enforcement Action	9
Recommendations	9
Acknowledgement	10
Appendices	11
Mine Information	12
Victim Information	13

Photos



The accident site.

Photos







The water trap that was being worked on just prior to the accident. Mr. Stalker was sitting on the other side of this mine entry when the accident occurred.

Timeline

February 28, 2025

- 6:00 a.m. The Wright Concrete Crew, including Billy Stalker, and Black Eagle employees Mr. Wills and Mr. Vigilante attended a safety meeting on the surface of the mine before going underground.
- 6:30 a.m. The Wright Concrete Crew and Black Eagle employees prepared for their shift, boarded the mantrip and started underground.
- 7:30 a.m. The mantrip carrying the Wright Concrete Crew and the Black Eagle employees arrived at the 1A Seal site.
- Between 10:30 a.m. and 11:00 a.m. A Jennmar representative arrived at the 1A Seal site and was escorted by Mr. Vigilante to the location of each seal in this seal site so that the Jennmar Representative could certify the 1A Seal site and get the 1A Seal Site Plan Approved.
- 1:00 p.m. The Wright Concrete Crew, which was the seal construction crew, began jack hammering for the water trap at the #8 Seal.
- 1:10 p.m. Mr. Vigilante would have been at the accident site at 1:10 p.m. on February 28, 2025, according to his date, time, and initials that were placed at this location.
- 1:40 p.m. Mr. Vigilante completed his on-shift examination for the 1A Seal site including each seal area, according to the date, time and initials on his exam record.
- Approximately 2:30 p.m. The accident involving Mr. Stalker occurred near the face of the #8 Seal of the 1A Seal site.
- 2:35 p.m. Mr. Vigilante called outside to the dispatcher to obtain clearance to transport Mr. Stalker to the surface. The Superintendent and Mine Foreman were notified of the accident and injuries.
- 2:40 p.m. The Dispatcher called the Mine and Industrial Accident Emergency Operations Center.

-  2:47 p.m. The Mine and Industrial Accident Emergency Operations Center notified the Regional Office of the accident, and a verbal non-assessed control order was placed on the accident scene by Charles Moles, WVOMHST Assistant Inspector-At-Large.
-  2:50 p.m. The mine notified the Mine and Industrial Accident Emergency Operations Center that the injured miner was not breathing, an AED was being used, and the miner was still en route to the surface.
-  Approximately 3:24 p.m. The mantrip transporting Mr. Stalker arrived at the surface.
-  3:54 p.m. The Mine and Industrial Accident Emergency Operations Center was notified by EMS on site that this was a confirmed fatality.

Report of Fatality

Fall of Roof and Rib
Marfork Coal Company, LLC.
Black Eagle Mine

WV Permit Number U00300118

Wright Concrete & Construction, Inc.

WV Permit Number C00007262

General Information

This report is based on an investigation conducted in accordance with Chapter 22A, Article 1, Section 14 of the West Virginia Code.

Marfork Coal Company, LLC. operates the Black Eagle Mine located near Pettus, WV, in Raleigh County and employs 228 employees operating three shifts per day. The mine was permitted by the State of West Virginia on December 21, 2018. The mine extracts coal from the Eagle seam via the room and pillar method of mining. The mine utilizes seven mechanized mining units, which operate on three super sections and one single unit, producing 9,000 raw tons per day. The mine utilizes drift openings to access the coal seam, and one return shaft for ventilation purposes. Ventilation of the mine is conducted utilizing a Jeffery, 117-inch diameter, mine fan that produces approximately 725,906 cubic feet per minute.

Billy Stalker worked as a Seal Construction Crew Leader for Wright Concrete & Construction, Inc. at the time of the accident. Mr. Stalker started his employment with Wright Concrete & Construction, Inc. on March 30, 2015. Mr. Stalker had twenty-seven years of mining experience, where he held both surface and underground mining certifications in Kentucky and received his West Virginia underground miner certification via reciprocity. Mr. Stalker attended his last annual refresher on November 20, 2024. Mr. Stalker received Hazard Training on February 18, 2025, and Experienced Miner Training on February 24, 2025, at the Black Eagle mine. Mr. Stalker died on February 28, 2025, from serious injuries sustained from a fall of the mine rib.

On February 28, 2025, the West Virginia Office of Miners' Health, Safety and Training received notice of the accident and began their investigation.

Formal interviews were conducted on March 05, 2025, at the West Virginia Training and Conference Center located in Julian, WV, and one additional interview was conducted at the WVOMHST Region Four office on March 11, 2025. The following individuals voluntarily testified:

Chad Vigilante-Outby Foreman (3-5-2025)

Andrew Pauley-General Mine Forman (3-11-2025)

David Bailey-Wright Concrete & Construction, Inc. (3-5-2025)

Bradley Stiltner-Wright Concrete & Construction, Inc. (3-5-2025)

Steven Lipscomb-Section Foreman (3-5-2025)

William Massie-midnight shift Roof Bolter Operator/Fireboss 3-5-2025)

Jerry Wills-Outby Worker (3-5-2025)

Accident Site Conditions

The mining height in this area was approximately 72 to 84 inches high. The mine floor in this area was fairly level, with the area being dry and free of standing water or mud. The mine roof appeared to be comprised of laminated slate.

Accident Description

On February 28, 2025, Mr. Billy Shawn Stalker arrived at the mine before 6:00 a.m. Mr. Stalker prepared for his shift and attended the morning safety meeting with the rest of his crew, as well as Black Eagle employees Mr. Vigilante and Mr. Wills, at 6:00 a.m. After the safety meeting, the crew loaded at least two rolls of a yellow miner water line, tools and other supplies onto the #8 Brookville Rail-Mounted mantrip. The Seal Construction Crew, consisting of David Bailey, Bradley Stiltner, and Mr. Stalker, along with Black Eagle employees Jerry Wills and Chad Vigilante, boarded the mantrip and traveled to the 1A Seal site.

The mantrip arrived at the 1A Seal site at approximately 7:30 a.m., according to written statements. The crew unloaded their supplies and tools and briefly discussed their plans for the day. It was determined that the first task was to stretch out the "Slick Line" (black plastic waterline) to the seals, using the A.L Lee non-permissible (S/N 9570) forklift to unspool and hang it from the mine roof. This water line will later be used to transport the seal material from the pumps to each seal site.

Then, Mr. Vigilante used the forklift to deliver steel roof jacks to the #1 Seal and set them in by the seal to provide support for the sampling tubes. The Kennedy panel stopping, located between the #3 and #4 Seals, that separates the left return air entries from the neutral air entries, was taken down to allow the forklift to travel to the return air entries and the #1 Seal with the steel jacks. According to formal interviews, Mr. Vigilante was operating the forklift, and the other members of the Seal Construction Crew removed the stopping to allow the forklift to travel through. The jacks were unloaded, set where needed, and the stopping was rebuilt.

Mr. Vigilante, assisted by Mr. Wills, took the forklift to unload six (6) pallets of the J-Seal concrete material off a flat car and rearranged several pallets of J-Seal material at #3 Break on

the old 1A panel, placing the pallets at this location as well. While Mr. Vigilante and Mr. Wills were moving the J-Seal material, the remaining members of the Seal Construction Crew had to cut a Kennedy panel to fit onto the end of the #6 Seal, to finish framing the seal.

Between approximately 10:30 a.m. to 11:00 a.m., a representative from Jennmar arrived at this seal site and Mr. Vigilante accompanied him to allow him to check the measurements of the 1A seals, certify them and assist in getting the 1A Seal Plan approved.

Once the panel for #6 Seal was cut and fitted into place, the Seal Construction Crew loaded up the materials needed to install the water trap at the #8 Seal into a permissible scoop. The required materials were oxygen/acetylene tanks and torches, hydraulic jack hammer, water trap, and other miscellaneous tools. The Kennedy panel stopping between the #7 and #8 Seals, that separated the right return air entries from the neutral air entries, was then removed by the Seal Construction Crew, to allow the scoop to travel through to the work area at the #8 Seal.

At approximately 1:00 p.m., according to written statements, the Seal Construction Crew began jack hammering the mine floor, at the #8 Seal, to allow for sufficient clearance for installation of the water trap. At the same time, Mr. Stiltner was using the oxygen/acetylene torches to cut holes into the Kennedy Panels used to frame up the #8 Seal, to allow the water line for the water trap to pass through both walls of the seal. Mr. Stalker and Mr. Bailey were using the jack hammer to dig for the water trap.

According to his date, time and initials, at 1:00 p.m., Mr. Vigilante began his on-shift/pre-shift examination for the seal construction area. He was at the #10 Seal at 1:00 p.m. and traveled across all the seals, visiting each seal site in five (5) minute increments, and finished his examination at the #1 Seal at 1:45 p.m. He was at the work site at the #8 Seal at 1:10 p.m. according to his date, time and initials in this area.

Mr. Vigilante, after finishing his examination, continued to use the forklift to move the pallets of J-Seal material and get those organized. The Seal Construction Crew was working at the #8 Seal at this time. Mr. Stiltner had finished using the oxygen/acetylene torches to cut two holes in the seal walls and hung the torch on the seal framing.

Mr. Stiltner began helping with the jack hammer, since the mine floor was hard. Mr. Stalker, Mr. Bailey, and Mr. Stiltner began taking turns using the jack hammer so as not to overwork anyone. This continued until about 2:25 p.m., at which time Mr. Stiltner switched out on the jack hammer and took Mr. Stalker's place.

Mr. Stalker went to the right rib looking in by towards the #8 Seal and leaned against it to take a break. At approximately 2:30 p.m., a piece of the rib rolled out and landed on Mr. Stalker's torso. No one witnessed the rock fall onto Mr. Stalker, but just after it happened, the rock was observed laying across his torso. Immediately, Mr. Stiltner tried to get the rock off of Mr. Stalker but couldn't. Mr. Wills arrived at the scene to check on the Seal Construction Crew and assisted

Mr. Stiltner and Mr. Bailey in getting the rock off of Mr. Stalker. The rock measured approximately 68 inches wide, 23 inches long and was 8 inches thick.

Once the rock was removed from Mr. Stalker's torso, he was complaining of not being able to breathe and having a pain in his chest area. One of the miners at the accident scene had yelled for help and Mr. Bailey traveled over to the track entry to retrieve first aid supplies, including oxygen. At this time, he contacted Mr. Vigilante, who was backing the forklift into the charging station when he heard someone yell. Mr. Vigilante proceeded to the #8 Seal to check on Mr. Stalker. After checking on Mr. Stalker and applying high flow oxygen, additional first aid supplies were obtained and Mr. Stalker was placed onto a backboard and prepared to be transported.

Mr. Stalker was loaded onto the #8 Brookville mantrip, surface personnel were alerted and track clearance was obtained from the dispatcher. Mr. Stalker was placed at the outby end of the mantrip, and Mr. Bailey and Mr. Stiltner traveled in the same compartment as him to monitor his condition and provide care. Mr. Vigilante was operating the mantrip and Mr. Wills stayed behind to clean up the work area.

Mr. Vigilante drove the mantrip outby, during which Mr. Stalker ceased breathing. Mr. Vigilante contacted the #1 working section for an Automated External Defibrillator (AED). An AED was brought to the #1 section track switch and placed on Mr. Stalker. After analyzing the patient's rhythm, the AED would not provide a shock. At this time, three EMT-M miners from the #1 section arrived at the track switch. Wes Dickens, Shuttle Car Operator, took over driving the mantrip while Mr. Vigilante began performing CPR, assisted by Steve Lipscomb, #1 Section Foreman. From this point, they continued to perform CPR while traveling towards the surface. At approximately 3:24 p.m., the #8 Brookville mantrip carrying Mr. Stalker arrived at the surface and he was turned over to the Whitesville Ambulance Crew Unit #84.

Findings of Fact

The accident occurred at approximately 2:30 p.m. on February 28, 2025, at the Black Eagle Mine.

Mr. Stalker was issued a Kentucky Apprentice Miner's certification on May 31, 2001.

Mr. Stalker was issued a Kentucky Miner certification on August 31, 2001.

Mr. Stalker was issued a West Virginia Class 06, Underground Coal Miner certification on April 24, 2015, under the reciprocity agreement between the State of West Virginia and the Commonwealth of Kentucky.

At the time of the accident, Mr. Stalker held a valid Class 06, Underground Coal Miner certification in the State of West Virginia.

Mr. Stalker was struck in the torso by a piece of rock that fell from the rib, near the face of the #8 Seal of the 1A Seal Site.

Mr. Vigilante was the only certified foreman and EMT-M on the crew.

Non-Permissible equipment was being used in the left and right return air entries.

Multiple, unapproved, ventilation changes were made by building and removing a Kennedy panel that separates the neutral entries from the return entries.

There were no records of pre-shift examinations conducted for this area on the shift prior to the miners going to work on this day.

The required on-shift examination conducted on this day between the 3rd and 5th hour was not conducted at the proper times.

Mine Safety and Health Administration air quality samples taken on January 8, 2025, indicated that this mine liberates 786,159 cubic feet of methane in a 24-hour period.

Conclusion

Mr. Stalker was last observed sitting near a rib, in the work area at the #8 seal of the 1A Seal site. Mr. Stalker had been using a jack hammer to dig for the water trap that goes in the seal. A portion of the rib became loose and fell onto the torso of Mr. Stalker, resulting in a severe crushing injury, causing difficulty in breathing. This accident resulted in the death of this individual.

Enforcement Action

A Non-Assessed Control Order was issued in accordance with Title 36, Series 19, Section 7.1 of the West Virginia Code.

There were ten (10) violations issued, two of them contributory to the accident.

Recommendations

The following will be included in the Black Eagle Mine Comprehensive Mine Safety Program:

All underground construction sites will be examined every day that work is scheduled and every 2 hours after the pre-shift has been conducted. All examinations will be documented in the construction record book.

An Automated External Defibrillator (AED) will be provided at each underground construction site along with an EMT kit, stored in a conspicuous location at all underground construction sites.

WVOMHST requested a one-time safety meeting with all examiners on types of exams and when they are required, as well as the difference between scheduled work and non-scheduled work.

The following will be included in the Wright Concrete & Construction, Inc. Mine Comprehensive Mine Safety Program:

Daily safety talks on roof and rib conditions in and around work areas will be conducted before shifts begin with all Wright Concrete & Construction, Inc. employees on each underground project in a West Virginia coal mine with written records of each.

Periodic roof and rib condition checks will be conducted throughout the shift by the lead supervisor.

Safety checks of the area, ventilation checks will be during the shift and any known update or ventilation changes will be discussed with operations management.

These topics will also be discussed with all newly hired employees during orientation and at annual retraining classes.

Acknowledgement

The West Virginia Office of Miners' Health, Safety and Training acknowledges the cooperation of employees and management of Marfork Coal Company, LLC's Black Eagle Mine and Wright Concrete & Construction, Inc., as well as the Mine Safety and Health Administration during this investigation. We would like to thank the following people for their cooperation during this investigation:

Alpha Metallurgical Resources employees and their subsidiary

Marfork Coal Company, LLC

Jason Whitehead-Chief Operations Officer of Alpha Metallurgical Resources

Brian Keaton-Senior Vice President of Safety of Alpha Metallurgical Resources

Barrett Justice-President of Marfork Coal Company, LLC

Scott Toler-Vice President of Marfork Coal Company, LLC

Michael Vaught-Safety Director MWV-UG Region

Mark Rinchich-Superintendent

Andrew Pauley-Mine Foreman

Jason Estepp-Block Foreman

Michael Stover-Safety Tech

Joe Gillenwater-Safety Tech

Pence Law Firm, PLLC

Chris Pence-Pence Law Firm

Wright Concrete & Construction, Inc. employees

David Bailey

Bradley Stiltner

Mine Safety and Health Administration employees

Larry Bailey

Michael Moton

David Birchfield

Keith Stone

Daniel Smith

Brian Redden

Austin Bailey

Mike Metz

Appendices

- Mine Information Sheet
- Victim Information Sheet

Mine Information

Company Marfork Coal Company, LLC.

Mine Name Black Eagle Mine

WV Permit U00300118

Address P.O. Box 457 Whitesville, WV 25209

County Raleigh

Date Permit Issued December 21, 2018 Working Status Producing

Location 150 East Grizzly Ct. Pettus, WV 25209

Union Non-Union X

Daily Production 9,000 raw tons

Annual Production to Date 366,192 raw tons

Total Employees 228 Number of Shifts 3

Name of Coal Bed Eagle Seam

Seam Thickness 32-60 inches

Accident Incident Rate 0.80 Lost Time Accidents 2

Type of Haulage Continuous miners with belt conveyor haulage

WVOMHST Inspector Justin Ward

Date of Last Inspection February 27, 2025

Notified by Bobby Kirk, Mine Dispatcher

Time of Notification 2:40 p.m. February 28, 2025

CMSP – Anniversary Date December 21, 2018

CMSP – Contact Person Michael A. Vaught

Victim Information

Name of Victim Billy Shawn Stalker

Age of Victim 46

Total Mining Experience 27 years

Experience at This Mine 8 days

Average Number of Days Worked Per Week 5

Average Number of Hours Worked Per Week 50

Length of Shifts at Mine 9.5 hours

Travel Time To/From Work 3 hours and 3 minutes

Occupation at Time of Accident Contractor (Wright Concrete & Construction, Inc.)

Regular Occupation Contractor (Seal Construction Crew Leader)

Miner's Certification Class 06 Underground Coal Miner 3-19569

Other Certifications N/A

Date of Accident 28 Day of February At 2:30 p.m.

Location of Accident Black Eagle Mine 1A Seal site at #8 Seal