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**Transcript of the Testimony of Ray Ara**

**Date:** August 18, 2010

**Case:**

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STATEMENT UNDER OATH

OF

RAY ARA

taken pursuant to Notice by Alison Salyards, a Court Reporter and Notary Public in and for the State of West Virginia, at The National Mine Health & Safety Academy, 1301 Airport Road, Room C-137, Beaver, West Virginia, on Wednesday, August 18, 2010, beginning at 2:30 p.m.

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A P P E A R A N C E S (cont.)

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ATTORNEY BABINGTON:

My name is Matt Babington. Today is August 18th, 2010. I'm with the Office of the Solicitor, U.S. Department of Labor. With me is Erik Sherer, an accident investigator with the Mine Safety and Health Administration, MSHA, an agency of the U.S. Department of Labor. Also present are several people from the State of West Virginia. I ask that they state their appearance for the record.

MR. FARLEY:

I'm Terry Farley, with the West Virginia Office of Miners' Health, Safety and Training.

ATTORNEY KOERBER:

I'm Barry Koerber, Assistant Attorney General, representing the West Virginia Office of Miners' Health, Safety and Training.

MS. MONFORTON:

And I am Celeste Monforton, with the Governor's independent team.

-----  
RAY ARA, HAVING FIRST BEEN DULY AFFIRMED, TESTIFIED AS FOLLOWS:  
-----

1 ATTORNEY KOERBER:

2 Sir, would you please state your full  
3 name for the record and spell your last name?

4 A. Ray Anthony Ara. And my last name is spelled  
5 A-R-A.

6 ATTORNEY KOERBER:

7 And would you please provide your home  
8 address and your telephone number?

9 A. [REDACTED] The ZIP is  
10 [REDACTED] Phone number [REDACTED]

11 ATTORNEY KOERBER:

12 Sir, do you have an attorney or other  
13 personal representative here with you today?

14 A. No.

15 ATTORNEY KOERBER:

16 Sir, are you appearing here today because  
17 of a subpoena?

18 A. Yes.

19 ATTORNEY KOERBER:

20 And is this a copy of that subpoena?

21 A. Yes, it is.

22 ATTORNEY KOERBER:

23 Would you make that Exhibit One?

24 (R. Ara Exhibit One marked for  
25 identification.)



1 ATTORNEY KOERBER:

2 And this is a copy of the green card  
3 evidencing where Maxine signed for this. We're going  
4 to make that Exhibit Two.

5 (R. Ara Exhibit Two marked for  
6 identification.)

7 A. Yes.

8 ATTORNEY KOERBER:

9 Okay. Sir, the statute that gives the  
10 Director authority to issue subpoenas requires the  
11 Director to pay a \$40-a-day witness fee, plus 40 (sic)  
12 cents a mile round trip from your home to here and  
13 back, together with any tolls that you may have passed  
14 to and from this place. In order to receive that  
15 money, we have two forms that must be filled out, one  
16 of which is an IRS form requesting your Social  
17 Security number. You will receive a 1099  
18 miscellaneous for a \$40 witness fee. We can fill  
19 those forms out at the end of the interview so that  
20 you will get paid sometime in the future or you can  
21 decline, but you must make your choice on the record  
22 now.

23 A. I decline.

24 ATTORNEY KOERBER:

25 You decline the money?

1 A. Yes.

2 ATTORNEY KOERBER:

3 Thank you.

4 ATTORNEY BABINGTON:

5 There are several members of the  
6 investigation team also present in the room today.  
7 Terry Farley will be conducting the initial  
8 questioning.

9 All members of the Mine Safety and Health  
10 Accident Investigation Team and all members of the  
11 State of West Virginia Accident Investigation Team  
12 participating in the investigation of the Upper Big  
13 Branch Mine explosion shall keep confidential all  
14 information that is gathered from each witness who  
15 provides a statement until the witness statements are  
16 officially released. MSHA and the State of West  
17 Virginia shall keep this information confidential so  
18 that other ongoing enforcement activities are not  
19 prejudiced or jeopardized by a premature release of  
20 information. This confidentiality requirement shall  
21 not preclude investigation team members from sharing  
22 information with each other or with other law  
23 enforcement officials. Team members' participation in  
24 this interview constitutes their agreement to keep  
25 this information confidential.

1 Government investigators and specialists  
2 have been assigned to investigate the conditions,  
3 events and circumstances surrounding the fatalities  
4 that occurred at the Upper Big Branch Mine-South on  
5 April 5th, 2010. The investigation is being conducted  
6 by MSHA under Section 103(a) of the Federal Mine  
7 Safety and Health Act and the West Virginia Office of  
8 Miners' Health, Safety and Training. We appreciate  
9 your assistance in this investigation.

10 A. Thank you.

11 ATTORNEY BABINGTON:

12 You may have your personal attorney  
13 present during the taking of this statement or another  
14 personal representative, if MSHA has permitted it, and  
15 you may consult with your attorney or representative  
16 at any time. Your identity and the content of this  
17 conversation will be made public at the conclusion of  
18 the interview process and may be included in the  
19 public report of the accident, unless you request that  
20 your identity remain confidential or your information  
21 would otherwise jeopardize a potential criminal  
22 investigation. If you request us to keep your  
23 identity confidential, we will do so to the extent  
24 permitted by law. That means that if a judge orders  
25 us to reveal your name or if another law requires us

1 to reveal your name or if we need to reveal your name  
2 for other law enforcement purposes, we may do so.  
3 Also, there may be a need to use the information you  
4 provide to us or other information we may ask you to  
5 provide in the future in other investigations into and  
6 hearings about the explosion. Do you understand?

7 A. Yes, I do.

8 ATTORNEY BABINGTON:

9 Do you have any questions?

10 A. No.

11 ATTORNEY BABINGTON:

12 After the investigation is complete, MSHA  
13 will issue a public report detailing the nature and  
14 causes of the fatalities in the hope that greater  
15 awareness about the causes of accidents can reduce  
16 their occurrence in the future. Information obtained  
17 through witness interviews is frequently included in  
18 these reports. Since we will be interviewing other  
19 individuals, we request that you not discuss your  
20 testimony aside from a personal representative or  
21 counsel.

22 The court reporter will record your  
23 interview. Please speak loudly and clearly. If you  
24 do not understand a question asked, please ask the  
25 interviewer to rephrase it. Please answer each

1 question as fully as you can, including any  
2 information you've learned from someone else. I'd  
3 like to thank you in advance for your appearance here.  
4 We appreciate your assistance in this investigation.

5 A. You're welcome.

6 ATTORNEY BABINGTON:

7 Your cooperation is critical in making  
8 the nation's mines safer. After we've finished asking  
9 questions, you'll have an opportunity to make a  
10 statement and provide us with any other information  
11 that you believe to be important. If at any time  
12 after the interview you recall any additional  
13 information that you believe might be useful, please  
14 contact any of us at the contact information provided.

15 Finally, any statements given by miner  
16 witnesses to MSHA are considered to be an exercise of  
17 statutory rights and protected activity under Section  
18 105(c) of the Mine Act. If you believe any discharge,  
19 discrimination or other adverse action is taken  
20 against you as a result of your cooperation with this  
21 investigation, you're encouraged to immediately  
22 contact MSHA and file a complaint under Section 105(c)  
23 of the Act. Terry?

24 MR. FARLEY:

25 Mr. Ara, I'd like to advise you that the

1 West Virginia Mine Safety Regulations, the West  
2 Virginia Code, 22A, Article One, Section 22, also  
3 provides protection against discrimination for coal  
4 miners who participate in these type interviews.  
5 Should you experience any such problems, I will give  
6 you some contact information for the West Virginia  
7 Board of appeals, which hears complaints about such  
8 things. I'll also give you my business card and phone  
9 number for Bill Tucker, our lead underground  
10 investigator. Should you have any issues, feel free  
11 to contact us. Also, I would advise you that should  
12 you have a problem, you need to file a complaint  
13 within 30 days of when it happens. Okay?

14 A. Okay.

15 EXAMINATION

16 BY MR. FARLEY:

17 Q. Would you state your --- you've already done that.  
18 Excuse me. How long have you been a coal miner?

19 A. Since 1974.

20 Q. Been a while, 36 years.

21 A. Yeah. I was out for like maybe four to five years  
22 during that time.

23 Q. You've got about 30 years in?

24 A. Somewhere in there, yes.

25 Q. What West Virginia coal miner certifications do

1 you have?

2 A. Just a miner's certificate is all.

3 Q. Okay. How long have you been at Massey --- with  
4 Massey?

5 A. The latter part of 2000. And they hired me into  
6 the company in May of 2001.

7 Q. Okay. Where did you start to work with Massey?

8 A. At UBB.

9 Q. And you've been at UBB ever since?

10 A. Yes, ever since.

11 Q. Okay. So you were going on about nine years?

12 A. Yeah, it's close to about nine years.

13 Q. Okay. Now, as of April 5th of this year, what was  
14 your normal work location at the UBB Mine?

15 A. Up on the longwall.

16 Q. Okay. What was your shift?

17 A. Midnight shift.

18 Q. Okay. Now, prior to April 5th, how long had you  
19 worked on the UBB longwall?

20 A. Let's see. I work a Saturday shift, which on the  
21 midnight is a Friday night but Saturday shift.

22 Q. Right.

23 A. That would have been --- what would that have  
24 been, the 3rd?

25 Q. How long had you worked on the longwall? When did

1 you start working on the longwall? I'm sorry.

2 A. Okay. I don't know exactly the year or the date,  
3 but I've worked there most of the time up on the  
4 longwall.

5 Q. Okay. Well, that longwall started up I think  
6 early September last year.

7 A. Oh, yes.

8 Q. Would you have started around that time?

9 A. Yes, on this --- on this particular headgate, yes.  
10 I've been there ever since we started.

11 Q. Okay. I got you. Now, what was your regular job  
12 on the longwall?

13 A. I'm a utility man on the longwall.

14 Q. Who was your immediate supervisor?

15 A. Keith Stanley.

16 Q. Was Keith a midnight shift foreman on the  
17 longwall?

18 A. Well, we had two crews, and he was my --- you  
19 know, he was my boss on the longwall.

20 Q. Okay. All right. Can you name the other members  
21 of your crew that worked for Mr. Stanley?

22 A. Well, it was just --- it was just me and him and  
23 one more guy and then the maintenance crew.

24 Q. Who is the other guy?

25 A. Well, one was Jimmy Williams. I had another boy



1 named Tommy Davis. The guy that I worked with, Terry  
2 Dillon, he retired in January.

3 Q. Okay.

4 A. And they just never had replaced him, and I had,  
5 you know, a couple red hats.

6 Q. Okay. Now, did you have confidence in Mr.  
7 Stanley?

8 A. I did.

9 Q. Do you feel like he made a reasonable effort to  
10 comply with health and safety regulations?

11 A. Yes, I do.

12 Q. What was your impression of the longwall  
13 ventilation at UBB, now particularly in the month or  
14 so prior to the explosion on April 5th?

15 A. Well, they had some problems. Well, the reason,  
16 it's no secret, because MSHA had shut them down, you  
17 know. I know one week I went to work there and they  
18 kept us for four hours and they had --- it was either  
19 the dayshift or evening shift, I can't remember to be  
20 exact, but they shut them down for ventilation. I  
21 don't know exactly where, and I got sent home. And  
22 then the next night I came to work, the company was  
23 doing a ventilation change.

24 Q. Okay. Now, would that have been around maybe  
25 March 9th? Does that sound reasonable?

1 A. It was maybe a couple weeks before this happened,  
2 somewhere in that area.

3 Q. Okay. All right. That's close enough. Now, when  
4 you say MSHA shut them down, how long were you down?  
5 How long was the longwall down, the best you can  
6 recall?

7 A. I think two days, the best of my recollection.

8 Q. Okay. Now, did you notice any change in the  
9 longwall ventilation during the month of March? When  
10 I say --- did the quantity and velocity of air passing  
11 along the longwall face change during the month of  
12 March? Did you notice a significant change?

13 A. Well, no, because I'm very seldom ever on the  
14 face.

15 Q. Okay. Where do you normally hang out?

16 A. Well, it's ---.

17 Q. Where did you normally hang out?

18 A. Well, it's from the mule train --- once you get up  
19 to the mule train, if you understand what I'm  
20 saying, ---

21 Q. Yeah.

22 A. --- all the way up to the last open break, in that  
23 area, sometime down the beltline or over in Number  
24 Three entry. Now, the only time that we had to go on  
25 the face is if there was as problem. Like just say we

1 had to go up there and we had to set a pump or the  
2 maintenance crew needed some help from us, like you  
3 know, they were broke down and they needed a piece  
4 shipped up on the longwall face or shipped off or  
5 something in that area. But other than that, you  
6 know, I didn't stay on the face, you know, like every  
7 night.

8 Q. Okay. How often did you travel across the  
9 longwall face?

10 A. Gosh. That's hard to answer.

11 Q. Not very often, I take it?

12 A. No, not very often. No.

13 Q. Back to the ventilation issue, based on my reading  
14 of the longwall pre-shift and on-shift report for the  
15 month of March, the --- as I understand it, the intake  
16 air on the longwall decreased from around 115,000  
17 cubic feet to about 55,000 cubic feet per minute  
18 during that month. But around --- at the start of the  
19 month it was high and near the beginning of the month  
20 it was at the lower end. Did you notice that change?  
21 That would have been fairly significant.

22 A. Maybe at times. I don't know if I'm allowed to  
23 say this. Just what ---.

24 Q. You're allowed to say whatever you want.

25 A. What I don't understand is ever since I've been on

1 the longwall, if the face was on the right-hand side,  
2 the intake was on the left. If the face was on the  
3 left-hand side, the intake would be on the right.

4 This time, the intake was up the track entry, and  
5 that's the first time that I've ever seen the intake  
6 come up the track entry. And I know when we first  
7 started there we had to go down --- before we could  
8 even start mining, we had to go down, plaster  
9 stoppings and do all we could. And I was there one  
10 evening and one of the guys that passed away, Timmy  
11 Davis, we were going down plastering stopping.

12 B-Bonding is what we was doing, not just plastering  
13 them, and he was going and taking air readings, you  
14 know, every time we would do a trip to see what  
15 quantity of air that we had. And we had to do all  
16 that before we started running to make sure that we  
17 had what air that we needed to be able to operate.

18 Q. Okay. Now, we understand that there was a  
19 ventilation change made around February 10th of 2010.  
20 Now, if you were a football fan, that was Super Bowl  
21 Sunday, if that means anything. And we understand at  
22 that time the return air course from the 22 Headgate  
23 section was rerouted from where it originally traveled  
24 in the outby direction in the Number One entry of  
25 Seven North to where it traveled through the crossover

1 and down the longwall headgate entries in the Four and  
2 Five entries to the outby end of the longwall and  
3 where it came and crossed over into the tailgate. Do  
4 you recall any such change, anything about that at  
5 all?

6 A. (Indicates).

7 Q. Sound familiar?

8 A. It does, but I can't remember.

9 Q. Okay.

10 A. I know that, you know, they did do a couple  
11 ventilation changes.

12 Q. Okay. All right. Now, I know I asked you if you  
13 ever traveled across the longwall face.

14 A. I have, yes.

15 Q. Can you give me an approximately time when is the  
16 last time you might have done that?

17 A. I cannot.

18 Q. Okay. Well, whenever you did travel across the  
19 longwall face, when you got to the tail side, did you  
20 notice --- was there a date board over there where the  
21 foreman dated up?

22 A. I can't remember.

23 Q. Okay. Now, did you ever venture out into the  
24 longwall tailgate entries?

25 A. I have before.

1 Q. Approximately when again?

2 A. I can't remember.

3 Q. Okay. Would Mr. Stanley have been the person who  
4 made the pre-shift and on-shift examinations during  
5 your shift?

6 A. Yes.

7 Q. Now, we understand there were some doors installed  
8 here in the longwall headgate sometime, a month or so  
9 prior to the explosion on April 5th. And we  
10 understand that the side partition of the doors had  
11 some blocks that were removed. Do you recall ---

12 A. I do.

13 Q. --- seeing those doors like that?

14 A. I do.

15 Q. Now, I said approximately a month before. Is that  
16 correct? Is that about how you remember it?

17 A. Somewhere in that area. I don't know to be exact.

18 Q. Any idea why the doors would have been constructed  
19 in that manner?

20 A. I tell you, I honestly don't know because I had  
21 never seen so many doors in the coal mines in all my  
22 life. I mean, we have to supply our own longwall and  
23 we come and --- I mean, it seemed like every time you  
24 turn around you've got to open a door up. And you  
25 know down on the longwall --- I'm going to say two was

1 as set, one, two, three, four, five, six, seven,  
2 eight. Eight doors right there in that little short  
3 area. And the place you're talking about, where the  
4 blocks are gone, I don't know if that was like for a  
5 regulator or what. I really ---.

6 Q. We think so.

7 A. Well, that's what I'm thinking, too.

8 Q. Speaking of doors, where did you portal?

9 A. On UBB side.

10 Q. Okay. Now, about how many sets of doors did you  
11 normally have to pass through before you would get to  
12 your longwall workplace?

13 A. Okay. I want to say two as --- just two doors is  
14 one set.

15 Q. Right.

16 A. Okay. When you first come in, you've got one,  
17 two, three, four. I don't know if you've been there.  
18 That's the red doors.

19 Q. I've seen them.

20 A. Okay. One, two, three, four. When you get to  
21 Ellis Switch, one, two, three, four --- four more  
22 doors. And then when you get up to 78, one, two,  
23 three, four, five, six, seven, eight. Okay. And then  
24 when you get to the mouth of the longwall, you had  
25 one, two, three, four, five, six, seven, eight.

1 Q. I'll have to get my calculator.

2 ATTORNEY BABINGTON:

3 Twenty-four (24).

4 MS. MONFORTON:

5 Twenty-four (24).

6 A. It's a lot of doors. I'm just saying two is one  
7 set.

8 BY MR. FARLEY:

9 Q. How often did you encounter --- come upon these  
10 doors and find one or both of them open?

11 A. Every now and then you may do that along ---  
12 mostly maybe along 78 or something. And they worked  
13 on that and then I think when they did a --- one of  
14 the ventilation changes, I think they had to turn the  
15 doors around ---

16 Q. Okay.

17 A. --- so that, you know, the air would keep them  
18 shut.

19 Q. Now, based on your understanding of the mien  
20 ventilation, would the doors at 78 have been a little  
21 more critical than others maybe?

22 A. I don't know.

23 Q. Do you know if there was an intake air crossing at  
24 that location?

25 A. I'd say --- I'm thinking --- I'm thinking so. I



1 can't remember if that was where ---.

2 Q. All right.

3 A. I don't know if that was the first set of doors  
4 you went through right there. I think --- I remember  
5 seeing an intake --- well, you know, the green markers  
6 for the intake.

7 Q. Okay. Before the explosion on April 5th, what  
8 would have been the last shift that you worked?

9 A. It was a --- it was a Friday night, a Saturday  
10 shift. That would have been the 3rd, Sunday would  
11 have been the 4th, Monday was the 5th.

12 Q. Uh-huh (yes).

13 A. So the 3rd. I didn't even have to work. I went  
14 out and worked an extra day.

15 Q. Okay. So Saturday morning would have been  
16 your ---

17 A. Yes.

18 Q. --- would have been your last shift? Now, during  
19 your last shift on the longwall, did you see or  
20 experience anything unusual, ---

21 A. I did not.

22 Q. --- anything different from any other day?

23 A. I did not.

24 Q. Did you notice any unusual smells?

25 A. No.

1 Q. Did you ever have any burning sensation in your  
2 eyes, particularly when you passed through the area of  
3 78?

4 A. Never have.

5 Q. Okay. Do you recall what work you did that night?

6 A. I knew you was going to ask that. I can't. I've  
7 even --- some of the guys I worked with --- that I  
8 worked with that night, I said, you know, I can't even  
9 remember what I done.

10 Q. Do you recall what anybody else might have done?

11 A. No. We may have been cleaning up some crash or  
12 something. What my main job is, we have to supply our  
13 own longwall. That's just something that we do,  
14 because we have a lot of things to bring out. And we  
15 get our motor supplies, we go in and we have to keep  
16 --- we go up to the last open break, where they take  
17 the structure out, where they retreat, have to keep  
18 that out, moved down. If there's enough monorail on  
19 the rack, we have to run it down, re-hang it. We may  
20 have to put up supply doors, take them down. We do  
21 all the power moves, you know, when they retreat.  
22 When they can't retreat more, we do the power move on  
23 the longwall. And we get ready for that and just, you  
24 know, any other thing that may be on, like we may have  
25 to set a pump somewhere or we may have to help the

1 maintenance crew if they need help or --- basically  
2 it's just utility work, anything on the longwall.

3 Q. Let me ask it this way. Do you recall doing  
4 anything during that last shift that was out of your  
5 normal routine?

6 A. No.

7 Q. Okay. And you mentioned pumps. Were there any  
8 pumps set along the longwall face as of your last  
9 shift?

10 A. The best of my knowledge, no, that I can recall.

11 Q. Okay. Do you recall some previous water  
12 problems ---

13 A. Oh, yes.

14 Q. --- on the longwall?

15 A. Yes.

16 Q. Can you tell me about that, please?

17 A. Well, we had some --- we had some problems on the  
18 face. I really don't know exactly, I guess, what ---  
19 I don't know if it was coming out of the top, bottom  
20 or --- I know we had water inby the wall. I ain't ---  
21 I've hardly ever seldom worked on a longwall that we  
22 didn't have some kind of water problem.

23 Q. Okay. Now, can you give me an approximate  
24 timeframe when it was, the last time you had  
25 significant water problems on the longwall?

1 A. I can't give you a significant time.

2 Q. Could it have been January or February?

3 A. Possibly.

4 Q. We also understand there may have been some major  
5 problems in November or December of 2009. Does that  
6 sound ---?

7 A. I don't know about the day to be accurate, but  
8 yes, there was some water problems inby the wall  
9 because I know around 74 Break, after we done  
10 retreated by that, that --- I know this. My partner,  
11 he retired in January, so I remember he wasn't done  
12 yet, and he was one of the guys that helped us  
13 take --- well, Keith and Jimmy, before we got there,  
14 had took the pump inby and we had to replace it, and  
15 we took the starter box in.

16 Q. Now, ---.

17 A. That was over in One, Two, Number Three entry.

18 Q. Okay. Now, did you carry a methane detector?

19 A. I didn't, no.

20 Q. Who did?

21 A. Keith.

22 Q. Anybody else you remember?

23 A. Yeah, Shannon, the maintenance crew.

24 Q. Anybody else you can think of?

25 A. Yeah, Shannon, Shannon Dickens, he carried one.

1 and I know Steve Gration was there. He carried one.  
2 And why I say that like that, we had crews like when  
3 we were working that their maintenance crew was off  
4 and me and Keith and whoever my partner was and our  
5 maintenance crew worked.

6 Q. Now, we understand that the UBB longwall panel,  
7 shown on this map, went on line and started up very  
8 early in September of 2009. Now, during that period  
9 of time, while you worked as a utility man in the  
10 vicinity of the longwall, are you aware of anyone  
11 detecting any methane at any time at any location  
12 around the longwall?

13 A. Yes. This was inby the face or was this --- I  
14 don't think --- I can't remember if it had started  
15 running yet or not. I just remember this guy come  
16 down and told someone he got a little bit of gas and  
17 he took off and they went up there and I don't know  
18 what they done.

19 Q. Okay. Did you say that you think this was before  
20 the longwall went on line?

21 A. I think this might have been before they had  
22 started running.

23 Q. Okay. Now, was the Bandytown fan on line at that  
24 time?

25 A. I don't know.

1 Q. All right. Do you recall what the quantity of  
2 methane was that the individual was talking about?

3 A. I can't remember the quantity.

4 Q. Did it sound like a dangerous amount? Was it more  
5 than one percent?

6 A. I don't believe it was.

7 Q. Okay. All right. You don't recall the person you  
8 heard that from?

9 A. If I think about it here in a minute, I'll tell  
10 you.

11 Q. Okay. Please do.

12 A. Because ---.

13 Q. Please do. Now, we understand that the longwall  
14 was equipped with two methane monitor devices. Do you  
15 have any knowledge of the UBB longwall methane  
16 monitoring systems ever being bridged out, defeated or  
17 in any way manually overridden?

18 A. Not to the best of my knowledge, no.

19 Q. Okay.

20 A. Because like I say, I don't --- I don't work on  
21 production. I don't know what goes on, unless you  
22 just hear it from hearsay or something like that. But  
23 I've never known, to my knowledge --- I ain't saying  
24 it ain't never been done, but just to the best of my  
25 knowledge, I don't know. I've not heard of anything.

1 Q. During the midnight --- your midnight shift, who  
2 was responsible for maintaining and calibrating the  
3 longwall system methane monitors?

4 A. I guess it would be the maintenance crew.

5 Q. Okay.

6 A. Electricians.

7 Q. All right. Do you remember having any  
8 conversations with them about what methane monitor  
9 maintenance or maintenance repairs or calibration ---?

10 A. No.

11 Q. Okay. I think I asked you if there were any pumps  
12 on the longwall face as of your last shift, didn't I?

13 A. You did, and I couldn't remember if they were or  
14 not.

15 Q. Okay.

16 A. There have been pumps on the face because I helped  
17 set them. I've been in the water.

18 Q. Prior to the start-up of this longwall panel, what  
19 area of the mine did you work in?

20 A. The same area, you know, that I explained to you.  
21 I'll tell you again if I need to.

22 Q. That's all right. Were you ever involved in any  
23 major equipment moves, moving mining machines like  
24 miners, roof bolters, shuttle cars, et cetera, from  
25 one place to another?

1 A. Some, not a whole lot of them. Maybe like a track  
2 bolter that we used on the longwall face when we do a  
3 move. Mostly them other, you know, it was like miner  
4 sections, you know, the guys that do that. Now, as  
5 far as moving a lot of longwall shields, I have.

6 Q. Okay. Now, coming and going at UBB during the two  
7 or three months prior to the explosion on April 5th,  
8 how often did you have conversations with the people  
9 who worked on the Headgate 22 or Tailgate 22 sections,  
10 miner sections? Did you run into them?

11 A. Hardly ever seen them unless we were just --- we  
12 were going in and they were coming out, like, you  
13 know, just switching out because there's --- you know,  
14 some of the guys I didn't know, you know, and there  
15 was a couple that I had worked with before and another  
16 guy specifically I know that worked on the longwall  
17 for a long time, used to, you know, holler at him when  
18 he'd come by or something like that.

19 Q. Did you ever work with a foreman named Jerry  
20 Burdoff?

21 A. Yeah, right now. I just say that because he's  
22 kind of outside. As far as back then, no.

23 Q. Now, where were you at the time of the explosion  
24 on April 5th?

25 A. In the bed. Well, the reason I say that, we were



1 going --- we were supposed to go out and move power  
2 that night. I think I was going to be off that night,  
3 but I think we were going out --- we were going to  
4 have a power move on the longwall. And I had laid  
5 down, and the guy that I was telling you about that  
6 retired, he lives down Route 3, and all the ambulances  
7 and everything was going by. He --- in other words,  
8 he called and told my wife to wake me up, that  
9 something had happened. He didn't know what. And so  
10 she woke me up and more or less I just turned the TV  
11 on and more or less, you know, ---.

12 Q. Were you involved in any of the rescue and  
13 recovery work or anything?

14 A. No, sir.

15 EXAMINATION

16 BY MR. SHERER:

17 Q. I've got a few questions, Mr. Ara. The last few  
18 shifts you worked prior to the explosion, was there  
19 much thumping and bumping coming from the gob?

20 A. Not that I recall.

21 Q. When was the last time you went down the beltline  
22 coming off the longwall prior to the explosion?

23 A. I just can't remember. I wish I could give you  
24 some --- you know, some answers, you know.

25 Q. Okay.

1 A. I'll tell you, most of the time --- all the time  
2 --- you know, we went down that line if we had to hang  
3 a monorail. You know, you had to run it down and re-  
4 hang it, you know, so the cables and everything come  
5 down. And every now and then I may just walk down to  
6 check the monorail and see if the pins are in or  
7 things like that, you know.

8 Q. Sure. The last time you were down there checking  
9 anything, do you recall if there was any problems with  
10 rock dust along that beltline?

11 A. Well, no, not any problem. I know that --- I  
12 can't tell you the exact time, but I know they had  
13 been up in there --- not real close, but they had been  
14 up in there, you know, trying to get the beltline rock  
15 dusted.

16 Q. Okay. When you got to the end of that shift on  
17 Saturday morning, did you see the crew coming in for  
18 Saturday

19 A. I can't remember exactly where we probably --- it  
20 was probably in the switch somewhere at one point we  
21 went by, maybe at 78.

22 Q. Did you ever have a chance to get over on the  
23 tailgate side of the wall?

24 A. Not very seldom, just very seldom we ever got up  
25 there. I was trying to think what they was --- was it

1 a tail drive sprocket or ---? I don't know how long  
2 it was before that. Probably the last time I was over  
3 there they was changing something on the tail entry,  
4 and we went from 78 up and went up that way to the  
5 tail entry and went over there and helped them for a  
6 little while.

7 Q. Do you recall what that looked like back through  
8 there the last time you were up there?

9 A. Well, yeah. As far as the tail line and  
10 everything, it looked good. But you know, going up  
11 totally before you get over in the tail entry, it's  
12 just, you know, like a little water here and there,  
13 and some spots are kind of low, but nothing drastic.  
14 I know --- I remember getting over into the prop line,  
15 you know, the props and everything had been set, you  
16 know, looked good and everything.

17 Q. What was the rock dust like back down through  
18 there?

19 A. Excuse me?

20 Q. What was the rock dust like on the tail side?

21 A. Well, the best of my memory, it wasn't too great  
22 on the tail side.

23 Q. Wasn't too great?

24 A. Yeah. I don't know how often they got over in  
25 there and dusted or --- it ain't --- you know, it

1 ain't like being on the main line or being over on the  
2 other side, you know, just all white and ---.

3 Q. So it was getting kind of gray?

4 A. Huh?

5 Q. It was getting kind of gray or was it black?

6 A. It was kind of grayish. It wasn't real, you know,  
7 like black black.

8 Q. Do you think it was legal, 80 percent?

9 A. I'd say no, just my ---.

10 Q. Okay. Appreciate that. Were you surprised when  
11 this explosion happened?

12 A. Yes, I was.

13 Q. What do you think could have happened in there?

14 A. I don't really know. I mean, I've tried to ---  
15 I've thought about it, thought about it, thought about  
16 it and tried to, you know, --- we talk about it. I  
17 mean, from the --- like I've told people that really  
18 --- you know, I've talked to that really don't know  
19 anything about a coal mine or, you know, from the  
20 longwall to the Ellis punch-out and where they felt  
21 this, and what I'm hearing is from people on TV and  
22 other people, you know, a big dust of wind that came  
23 out of the Ellis Portal. It's a long ways.

24 Q. It's a long ways.

25 A. And you know, that just tells me in my mind ---

1 I'm talking about just me, and I've not been up there  
2 yet, but anyway, that this was a tremendous explosion.  
3 I mean, ---.

4 Q. It was.

5 A. And then when --- I just really don't --- it just  
6 --- I don't know. It just --- and when you heard it  
7 --- I know you heard about the crack.

8 Q. Sure.

9 A. Okay. Then I thought about that, you know. Did  
10 it come up? Did the methane come up from there and  
11 ignite, I don't know, ---

12 Q. Sure.

13 A. --- behind the gob line? I just don't know. It  
14 just --- I just know it's a tremendous explosion. I'd  
15 like to know myself.

16 Q. Sure. I understand.

17 A. It's just --- I mean, to try to think, well, was  
18 it that or something else or did it start up here on  
19 the longwall or did it --- was it down here on  
20 Headgate 22? See, I don't know anything about that  
21 area.

22 Q. Sure. Now, you mentioned early on that you've  
23 done something on the tailgate section. What did you  
24 do up there?

25 A. I'm trying to --- I think it was a tail sprocket.

1 Q. Okay.

2 A. I think that's what we changed, ---

3 Q. Okay.

4 A. --- was a tail sprocket.

5 Q. How did you get up there? Did you get there from  
6 the headgate of the longwall or did you have to go  
7 back around to get there?

8 A. I don't know where 78 is on here.

9 Q. Seventy-eight (78) is way down here.

10 A. Okay. Well, yeah, 78, you went --- okay. You  
11 went --- well, 78 is right there and you go straight  
12 up. You go --- you know, going around. You're going  
13 up to the longwall.

14 Q. So you came up to ---

15 A. Yeah.

16 Q. --- what you call the North Glory Mains?

17 A. Yeah.

18 Q. You came up to probably the mouth of the Headgate  
19 22 and then ---?

20 A. No, no, no. We're going --- not up to the Glory  
21 Hole. It's 78 Break. I messed up here. Seventy-  
22 eight (78) --- where does this go?

23 ATTORNEY BABINGTON:

24 That goes back out to Ellis Portal.

25 A. Okay. We don't go that way.

1 ATTORNEY BABINGTON:

2 This here is the tailgate of the longwall

3 and this is the North Glory Mains, and here's the  
4 headgate of the longwall.

5 A. From 78 you come --- you know, you come straight  
6 up that way and went to the tail entry of Headgate 21.  
7 And that's the way that we went up. You know, the  
8 track runs up through there.

9 BY MR. SHERER:

10 Q. Oh, okay.

11 A. And it comes so far ---

12 Q. Oh, okay.

13 A. --- and then there's a scoop up there, and we took  
14 the scoop around ---

15 Q. Okay.

16 A. --- as far as we could.

17 Q. Okay. Thank you. For some reason I thought you  
18 had gone on to this tailgate section that was driving  
19 just off the headgate.

20 A. No, not the new one.

21 Q. Oh, okay.

22 A. I'm talking about the Headgate 21 tail entry.

23 Q. Okay. Thank you.

24 A. That's like I say, as far as for the mouth of the  
25 longwall, I've only been up there just a little ways.

1 I've never seen the Glory Hole from the UBB side.

2 Now, when the longwall went to Logan's Fork, I seen  
3 the glory Hole from that mines.

4 Q. Okay.

5 A. I've never seen the Glory Hole from this side  
6 because the longwall was down there for about  
7 two-and-a-half to three years, ---

8 Q. Sure.

9 A. --- and then it came back.

10 Q. Thank you.

11 A. You're welcome.

12 Q. Did you ever have any opportunity to travel back  
13 behind the current longwall, back toward the Bandytown  
14 fan?

15 A. As far as I've been since the long --- since they  
16 started mining --- and like I was telling you earlier,  
17 when they retreated, we had to go inby the wall, I  
18 think it was around 74 Break, and that's when we was  
19 having to change that pump out.

20 Q. Did you ever get any further than that?

21 A. No. After the wall started, no.

22 Q. Did you get further back in there before the wall  
23 started?

24 A. Yeah. I don't know exactly where it was at. I  
25 think --- maybe you can help me. I can't remember



1        what break. I think it was around 78 that the  
2        longwall face started, you know, when we first  
3        started.

4        Q. It started up right here at Break 80.

5        A. Okay. I was close. Okay. Yeah, before we were  
6        in there, inby, because we still had track in there  
7        and they still had a beltline in there and some belt  
8        head stuff they had to get out before we started  
9        mining, then we were back in there setting --- don't  
10       know exactly. I know we had to set a whole lot of  
11       props back in there before we could even start mining.

12       Q. Did you have to pull out that belt structure?

13       A. Have I ---?

14       Q. Back toward Bandytown.

15       A. No.

16       Q. Okay. Now, do you run the motor much?

17       A. Oh, a lot.

18       Q. Do you have a methane detector?

19       A. I don't.

20       Q. Do you have a buddy that works with you on the  
21       motor?

22       A. Yeah. Jerry Martin, he carries one.

23       Q. Okay.

24       A. But that only happened here --- I don't even have  
25       to tell you this, but this only happened here, I don't

1 know, the last several months because --- well, I was  
2 told one time at Logan's Fork I come out and --- well,  
3 you probably heard of him, Eugene White, we went and  
4 took a gas test and everything, and they told us that  
5 one of us where we were outby like that needed one,  
6 and I never did get one. That's the last I heard of  
7 it. But we had an annual retraining before this  
8 happened, and when I went and took my gas test I know  
9 Jerry had had his before me and he got one and I told  
10 him that, you know, we were not there all the time  
11 together, that I needed one, and they were in the  
12 process of getting me one, ---

13 Q. Okay.

14 A. --- you know, to --- so that I could carry ---.  
15 But I know when we went down --- since this happened,  
16 I've been back and forth through UBB and Revolution  
17 and me or him once didn't carry one.

18 Q. Now, before the explosion, did you ever notice  
19 your friend Jerry's methane detector going off  
20 anywhere?

21 A. No.

22 Q. Okay. What about when you were working  
23 underground? Did you ever hear of somebody get on the  
24 mine phone or somebody tell you that there were  
25 inspectors on the property?

1 A. Well, yeah, I've heard that since I've been in the  
2 coal mines.

3 Q. That's pretty common?

4 A. Yeah, it is.

5 Q. Okay. Thank you. Did you ever watch anybody work  
6 on a methane detector or methane monitor on the  
7 shearer of the tailgate, calibrating it or working on  
8 it, anything like that?

9 A. Maybe sometime during being on the longwall I  
10 probably have, but not paid, you know, a whole lot of  
11 attention to it.

12 Q. Have you ever heard anybody talking about messing  
13 with those monitors or bridging them out?

14 A. No.

15 Q. Did you think the ventilation in this mine was  
16 adequate?

17 A. Well, I do and I don't. And why I say the don't  
18 part is because it just seemed like there for a while  
19 --- I know what all we had to do before we got  
20 started, about doing the B-Bonding of the stoppings  
21 and getting the air --- evidently they got it or they  
22 wouldn't have been able to run. And I'm sure when an  
23 inspector comes there and shuts it down, he has to  
24 come back and check it, you know, to okay it. So that  
25 tells me that it's okay, so --- you know, what happens

1 in the process from the time he leaves is not saying  
2 the company does anything wrong. You know if a  
3 stopping gets blowed out or, you know, a roof fall,  
4 and I don't mean a major --- or a rib roll or  
5 anything.

6 Q. Sure.

7 A. It don't take a lot for, you know, your air to get  
8 changed, you know. And why I say that don't part is  
9 just because of all the doors and like MSHA, you know,  
10 shut them down and then the ventilation change, and I  
11 noticed some of the dayshift foreman had been in there  
12 before, you know, trying to work on the air. It just  
13 seemed like --- it seemed like to me that they had a  
14 problem ---

15 Q. Sure.

16 A. --- that they were trying to work on and not  
17 saying --- and I'm not saying that this had anything  
18 to do with any explain, but I'm just saying that it  
19 seemed like there was some kind of a ventilation  
20 problem because of all the things that were going on,  
21 trying to work on the air.

22 Q. Sure.

23 A. And I told people that --- you know, that we've  
24 talked about and they don't --- just because of that,  
25 that don't mean it had one thing to do with the

1 explosion. You could have enough air and everything,  
2 and just like I said, sir, in a crack and you got  
3 to --- this is what I'm thinking. If you got a big  
4 buildup of methane like that or something, I don't  
5 care how much air you've got. That's my opinion now.

6 A. Sure. I hear you. So you think there was a lot  
7 of fussing going on with the ventilation?

8 A. I don't know. There was a CO2 section over to the  
9 right hand of us, but then they got out of there and  
10 they were trying --- I think they were trying --- they  
11 were trying to where they were --- let's see now. Oh,  
12 gosh. They were trying to --- intake, return. They  
13 were trying to get it right, you know. Our return ---  
14 no, that was this way. Anyway, their return couldn't  
15 come up this way, like One, Two, Three entry. You  
16 know, their return couldn't come down here. And they  
17 were up there and they were getting in overcasts and  
18 stuff and --- I think they got that all taken care of.

19 Q. Okay. Now, did you ever have to stay out of the  
20 mine or get pulled out early for any sort of  
21 ventilation change?

22 A. I have before. If they were going to do it, they  
23 got us out. And I know the last one, when they were  
24 going --- I can recall that they done that ventilation  
25 change, we didn't even go in. Only the foremen did.

1 Q. Sure. Do you know about when that was in  
2 relationship to the explosion? Was it a week before  
3 or two weeks, three weeks?

4 A. I'll just give you an estimate. I'm just going to  
5 say maybe two to three weeks, somewhere in that area.

6 Q. Okay. Did you ever hear of people opening and  
7 closing these track doors to try to redirect air to or  
8 from certain parts of the mine?

9 A. No. We just throw up another set.

10 Q. Okay. That's a different approach.

11 A. I don't mean to laugh because I just --- that  
12 about wears me out, opening and closing them doors,  
13 especially, I mean, if I was by myself.

14 Q. Sure.

15 A. I had to come out one morning by myself because I  
16 had a doctor's appointment or something, said,  
17 goodness gracious. It will be a while before I get  
18 outside.

19 Q. Maybe it wore the air out trying to get out.

20 A. I'll tell you some hearsay. And I can't say who  
21 said it, this and that, but the only thing I can say  
22 is that some of the doors, somewhere or something,  
23 they just --- and they did do some overcasts here  
24 lately down on the wall and stuff, and I just heard  
25 sometimes they'd just throw up a set of doors

1 sometimes because they didn't want to take the time to  
2 do an overcast.

3 Q. We've heard that. But when you got so many people  
4 going in and out of the mine and so many doors, you  
5 can pay for overcasts real quick.

6 A. I know. I agree.

7 Q. Okay.

8 MR. SHERER:

9 That's all the questions I've got.

10 A. Okay.

11 EXAMINATION

12 BY MS. MONFORTON:

13 Q. I think I just have two questions. The first is  
14 you worked at UBB for a long time, ---

15 A. Yes, ma'am.

16 Q. --- almost a decade, and a lot of years in the  
17 mine.

18 A. Yes, ma'am.

19 Q. And I'm just wondering over that time you were at  
20 UBB did you notice anything different about the way  
21 the mine operated, you know, maybe from the time you  
22 were there until the more recent years?

23 A. Yes. The only thing I can say, that I know that  
24 when we went to Logan's fork, I can't remember what  
25 year, but anyway, there were different management ---

1 I'm going to say as of superintendent and some  
2 different people there. Then when we went to Logan's  
3 fork there were some changes. And I just heard other  
4 people say that we've talked to --- this was before we  
5 even came back, that, you know, it just wasn't the  
6 same with these different people. You know, it's ---  
7 and I'm saying they were like --- before when I was  
8 there, and I hate to say this, people get so jealous  
9 about the longwall. If the longwall needed it, they  
10 got it. And I'm not saying the other people didn't  
11 need it, but if you needed something, you got it. It  
12 didn't matter, you got it. You needed it. But it  
13 seemed like since that change they were --- with  
14 different people running it, that they were trying to  
15 cut here and cut there. And I can understand that,  
16 but it was just like a different atmosphere management  
17 people.

18 And I just heard several people say that, and it  
19 was kind of different when we came back. It wasn't  
20 like the same when we left, you know. And I'm going  
21 to say his name even. Wendell Wills was the  
22 superintendent when I was there. And I'll never  
23 forget this. And I seen him at one of the wakes. And  
24 even another boy said, you know, maybe if he had been  
25 there, this wouldn't have happened. And the reason I



1 say that because I didn't know Wendell wills was even  
2 in the coal mines one night, and we were coming down  
3 the track entry and here he come through the doors.  
4 And I said, Wendell, we didn't know you were here. He  
5 said --- and he told us, he said, I was laying in bed  
6 and I was thinking about this air and stuff, and he  
7 said, I just got up and come down here, went inby the  
8 wall, checking this, checking that. And he said, I  
9 was concerned. I don't know if you --- you know what  
10 I'm trying to say? And it's just different people and  
11 just, you know, it wasn't the same.

12 Q. You mentioned a little bit about a cut here, a cut  
13 there. I'm assuming you mean like cutting corners?

14 A. I don't mean in --- I don't mean in safety. I'm  
15 talking about like in things you might need, like  
16 supplies and things like that for the longwall and  
17 work and things.

18 Q. So maybe it just makes it a little more difficult  
19 for you to do your job ---

20 A. Right. Right.

21 Q. --- for you to do your job well?

22 A. Right.

23 Q. Okay. You mentioned you worked in the mine for a  
24 long time, and you've always heard through your years  
25 when the inspector was on the property?

1 A. I've heard --- not every time, but I've heard  
2 that, why sure.

3 Q. Kind of a common practice?

4 A. Why sure it is.

5 Q. What do you think if someone were to say to you  
6 that notifying someone underground that an inspector  
7 is there is illegal? Would that surprise you?

8 A. No, because I know at one mine I worked at one  
9 time the superintendent of the mines anyway, they  
10 called in and they wrote this superintendent up for  
11 involving himself in an investigation.

12 Q. For impeding the inspection?

13 A. Right. Yeah, for --- he told them --- they called  
14 him. He told --- called and told. And they, you  
15 know, found out about it. In other words, they got  
16 him for, you know, involving his self in an  
17 investigation.

18 Q. Do you think most miners understand that that's  
19 illegal, that they truly understand that's illegal?

20 A. I don't really believe. I don't really believe  
21 everyone does. Maybe some do.

22 Q. And so if that were really made known, what do you  
23 think would happen to how things operate underground  
24 when the inspector shows up?

25 A. Well, I think it should be made well known and put

1 that's illegal, you know. I think so. I think it  
2 would --- I think it would make people think a little  
3 bit more than just saying it's okay. Like I said,  
4 it's happened for years and may still --- probably  
5 still happen, but it needs to be. You know, this is  
6 wrong and that you can be --- you know, fined or  
7 something for --- for, you know, involving yourself in  
8 an investigation with an inspector. I mean, now, you  
9 know --- years ago I don't know about if it was, but  
10 you know, I can be fined myself, not just the company.  
11 You know, they can fine me for something and ---.

12 Q. Very good. I appreciate your ---.

13 A. It makes me think.

14 Q. I appreciate your honesty. Thank you.

15 A. You're welcome.

16 ATTORNEY BABINGTON:

17 Terry?

18 RE-EXAMINATION

19 BY MR. FARLEY:

20 Q. During your last shift at UBB, which would have  
21 been April the 3rd, were you around the longwall  
22 conveyor belt?

23 A. I don't believe I was.

24 Q. Okay. Well, which --- the last time you were  
25 around the longwall conveyor belt, which direction was

1 the air movement on the belt?

2 A. I might --- I could be wrong. I think it was  
3 coming up the belt.

4 Q. Coming toward the face?

5 A. Toward the face, I think.

6 Q. All right.

7 A. We'd have to --- I know we had been building ---  
8 they're like building some, you know, belt checks, you  
9 know, the beltline.

10 Q. Okay. All right. But you're not sure about when  
11 that last time you noticed ---?

12 A. No.

13 Q. Okay. All right.

14 ATTORNEY BABINGTON:

15 Well, there's the two documents from the  
16 beginning. One is a copy of the subpoena. I took  
17 that. That will be part of the interview, and that  
18 will be marked Ara One. And then there's a copy of  
19 the return receipt for the subpoena. That will be  
20 marked Ara Two.

21 On behalf of MSHA and the Office of  
22 Miners' Health, Safety and Training, I want to thank  
23 you for appearing and answering questions today. Your  
24 cooperation is very important in the investigation as  
25 we work to determine the cause of the accident.

1 We request that you not discuss your  
2 testimony with any person, again, aside from your  
3 personal representative or counsel. After questioning  
4 other witnesses, we may call you if we have any  
5 follow-up questions. If at any time you have  
6 additional information regarding the accident that  
7 you'd like to provide to us, please contact us at the  
8 contact information previously provided.

9 If you wish, you may now go back over any  
10 answer you've given during this interview, and you may  
11 also make any statement that you'd like to make at  
12 this time.

13 A. Well, the only thing I can say is --- I'm trying  
14 to think myself here. You know, this is a terrible  
15 thing that happened. I pray that it never happens  
16 again anywhere. And I'm just here, trying to answer  
17 the questions the best I can. I'm not saying anything  
18 that the company done was wrong, that may have caused  
19 this or any individual, that it was just one of these  
20 things that just --- you know, things happen in life,  
21 and tragedies happen, but I know at times in life that  
22 there is things that happen that can be prevented, you  
23 know, if we can prevent them, any of us, that we can  
24 and we should. And I know that times in life there's  
25 negligence in things that happen in life, and I just

1 really hate that this happened, and it's just a tragic  
2 thing. And I don't know --- I talk about it to  
3 somebody every day. And just like a guy at work said,  
4 I wonder how long this will go that we'll --- may  
5 forget this. And we may probably never ever forget  
6 this. And I know, you know, as far as UBB, like this  
7 reporter called me, that's what he said he was, from  
8 Utah, and he wanted some information, this and that.  
9 And I don't even know how he got my number. He said  
10 he was doing a documentary. This is a little bit  
11 after this happened. And he had more information than  
12 I even knew. And I answered a few questions for him  
13 and this and that. he was wanting names. I wouldn't  
14 give him no names. I told him I didn't want my name  
15 put in no documentary. And then at last he wanted  
16 some more, and I said, I'm not giving you no names.  
17 Anyway, he never did call back.

18 As far as UBB, I've been to Revolution three  
19 times. I've been back up to UBB three times, and  
20 that's where I'm at now. And I couldn't wait to come  
21 back. And like I told him, I'd go back tomorrow.  
22 This is after this happened. I'd go back up there now  
23 if I could. I liked the mines. It's a good place to  
24 work. I've worked at Logan's Fork. I've worked at  
25 Revolution. I've worked at Round Bottom, just a

1 little bit there, and --- well, I just --- I love  
2 working there. And it may never open back up, I don't  
3 know, but --- or anything like that, but I liked the  
4 mines. I liked the work. I didn't --- it could  
5 happen anywhere. It can happen anywhere you work.  
6 There's a possibility of it happening. It could  
7 happen. I try --- a person --- you just have to do  
8 the best you can and not --- you just can't dwell on  
9 it. Since I've been back in there, you know --- when  
10 I first went back in there that day, went back in  
11 there, rode the mantrip, I thought about everybody as  
12 I was going in the drift mouth, but we just got in  
13 with the working and ---. God has helped me with it.  
14 I'll just put it like that. And I like working there.  
15 I guess I'll work there until you can't work there no  
16 more. That's about all I have to say.

17 RE-EXAMINATION

18 BY MR. SHERER:

19 Q. Can I ask you one question, Mr. Ara?

20 A. Yes.

21 Q. You said you hope that this never happens again.

22 A. I really do.

23 Q. What can we do to help prevent this?

24 A. Well, I know MSHA inspectors, all the State,

25 Federal, they're going to, you know, do their

1 inspections. And like I said, it needs to be known  
2 well to people that --- I can't think of the right  
3 word, they try to intercede in investigations or  
4 things like that. You know, they can be held liable.  
5 And I know you've got to be tough and strict and I  
6 know you --- and you know as well as I do --- what I'm  
7 saying, you can you so tough and strict, there ain't  
8 a coal mines could even operate. We know that, you  
9 know. We can be as safe as we can in the laws and  
10 what we have to do and ---. The MSHA can do their  
11 job, Federal mine inspectors, State mine inspectors.  
12 We got to do our job, ---

13 Q. Thank you.

14 A. --- the men in the mines. We've got to do our  
15 job, too. You all can do your all's. If we're not  
16 doing ours, I don't care what you all do, it won't  
17 work. We both all have got to work together and, you  
18 know, do our jobs to, you know, the best of our  
19 ability. And that's all I can say.

20 ATTORNEY BABINGTON:

21 Thank you. And again, I want to thank  
22 you for your cooperation in this matter.

23 A. You're welcome.

24 \* \* \* \* \*

25 STATEMENT UNDER OATH CONCLUDED AT 3:34 P.M.



1 STATE OF WEST VIRGINIA )

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CERTIFICATE

I, Alison Salyards, a Notary Public in and  
for the State of West Virginia, do hereby certify:  
That the witness whose testimony appears in  
the foregoing deposition, was duly sworn by me on said  
date and that the transcribed deposition of said  
witness is a true record of the testimony given by  
said witness;  
That the proceeding is herein recorded fully  
and accurately;  
That I am neither attorney nor counsel for,  
nor related to any of the parties to the action in  
which these depositions were taken, and further that I  
am not a relative of any attorney or counsel employed  
by the parties hereto, or financially interested in  
this action.



*Alison Salyards*