
West Virginia Office of Miners' Health, Safety and Training

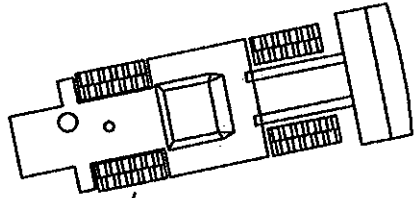
March 12, 2008

Report of a Preparation Plant Fatality
Workman Repair Service, Permit Number C-7619
Contractor for
Appalachian Fuels, LLC
Alloy Preparation Plant, L-829

Region IV Office
142 Industrial Drive
Oak Hill, West Virginia 25901
Gary S. Snyder, Inspector-at-Large

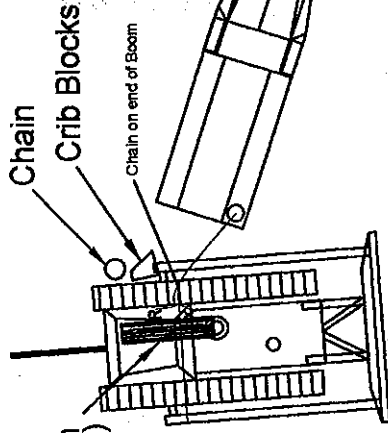
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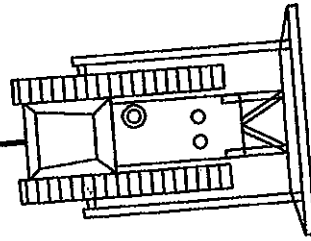
Caterpillar
980 Loader
(Co. Unit # 02-9409)

Berm



Caterpillar
D-10 N Dozer
(Co. Unit # 01-1165)

Victim
(Approx Location)



Caterpillar
D-11 Dozer
(Co. Unit # 01-0356)

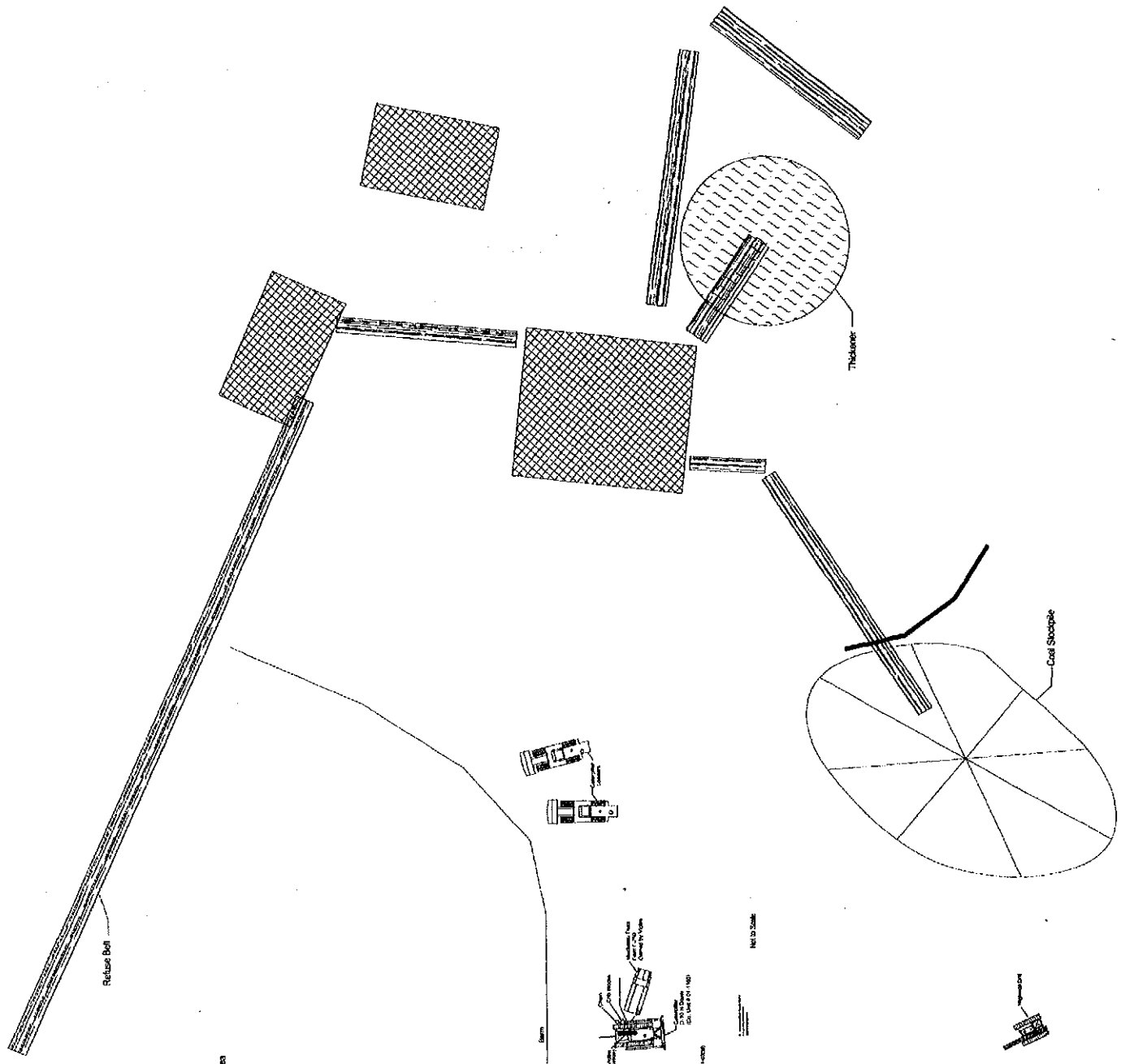
Mechanic Truck
Ford F-750
Owned by Victim

Chain
Crib Blocks
Chain on end of Boom

Appalachian Fuels, LLC
Alloy Prep Plant #1
MSHA ID # 46-07968
WV OMHS&T Permit # L-829
Fatal Accident Scene
March 12, 2008

R = Location of Winch Remote Control
X = Location of Air Winch
(approximate locations)

Not to Scale

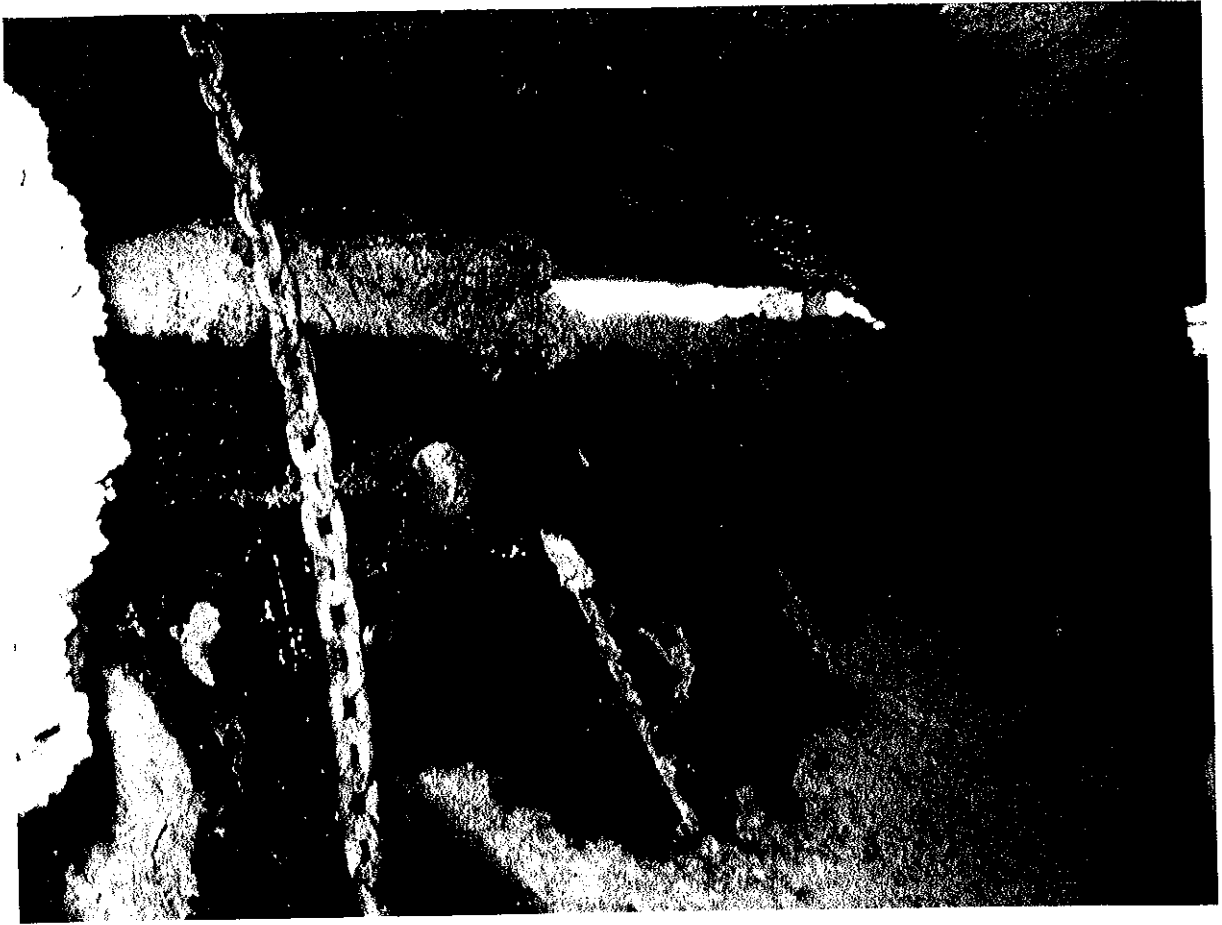


Appalachian Fuels, LLC
 Alloy Prep Plant #1
 MSHA ID # 46-07968
 WV OMS&T Permit # L-829
 Fatal Accident Scene
 March 12, 2008

APPALACHIAN FUELS, LLC
 Alloy Prep Plant #1
 MSHA ID # 46-07968
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 Fatal Accident Scene
 March 12, 2008



Area where victim was found.



Photograph of broken front hinge.

Report of a Preparation Plant Fatality
Workman Repair Service, Permit Number C-7619
Contractor for
Appalachian Fuels, LLC
Alloy Preparation Plant, L-829

GENERAL INFORMATION

This report is based on an investigation conducted in accordance with Chapter 22A, Article 2, Section 66 of the mining laws of the State of West Virginia.

John G. Workman was fatally injured sometime between 10:40 a.m. and 12:10 p.m. on March 12, 2008. Mr. Workman was crushed as a result of the bottom rear guard on a D10N Caterpillar bulldozer falling on him.

The West Virginia Office of Miners' Health, Safety and Training was notified of the accident by Bob Barker, Superintendent for Appalachian Fuels, LLC, Alloy Preparation Plant at 12:25 p.m. Gary S. Snyder, Inspector-at-Large of the Region IV Office in Oak Hill, West Virginia contacted Garry L. Wolfe and Terry L. Keen, Surface Mine Inspectors, at 12:29 p.m. A joint investigation with the Mine Safety and Health Administration was started immediately.

DESCRIPTION

The Alloy Preparation Plant is located near Boomer, in Fayette County, West Virginia. The preparation plant normally operates five (5) days a week with three (3) shifts per day and has 18 employees. This plant processes coal on all three shifts. Maintenance for the preparation plant is scheduled on an as needed basis. Refuse is transported from the plant (on conveyor belts) to the refuge area that is adjacent to the plant. Two bulldozers are used on the refuge area to place the refuse in the proper areas. Raw coal is transported to the preparation plant from two (2) underground mines and one surface mine. The mines are located in the same general area as the preparation plant. Coal is transported from the preparation plant by various contract coal trucking companies.

On Wednesday, March 12, 2008, John G. Workman, owner /operator of Workman Repair Service, started work on the 6:00 a.m. shift. Mr. Workman had been working since February 14, 2008 at various Appalachian Fuels facilities. Frank Suttles, Superintendent for Appalachian Fuels, LLC, instructed Mr. Workman to report to the Preparation Plant to work on a D10N Caterpillar bulldozer. The D10N Caterpillar bulldozer (serial number 2YDO1165, unit number 01-1165) was located in the clean coal yard at the Preparation Plant. According to evidence obtained at the accident scene, Mr. Workman was working on the fuel system of the D10N Caterpillar bulldozer. At approximately 10:30 a.m., Mr. Suttles testified that he went to check on Mr. Workman and asked what he found wrong on the dozer fuel system.

Mr. Suttles stated that Mr. Workman said he was going to work on the timing of the fuel system. According to Mr. Suttles, the conversation lasted approximately 10 minutes and he then left the area to attend to other duties.

According to testimony, Donald Ellis, a front-end loader operator at the plant, stated that he had seen Mr. Workman at approximately 6:00 a.m. sitting in his service truck in the clean coal yard at the plant. Mr. Ellis was working at the refuge area, approximately 300 feet from the rear of the D10N Caterpillar bulldozer. At approximately 12:10 p.m., Mr. Ellis went to check on Mr. Workman because he had not seen any movement around the dozer for quite some time. Mr. Ellis stated when he arrived at the bulldozer he noticed Mr. Workman's legs sticking out from under the bulldozer. Mr. Ellis stated that he patted Mr. Workman on the leg and spoke to him, but received no reply. Mr. Ellis then looked under the bulldozer and saw Mr. Workman pinned beneath the rear bottom guard of the Caterpillar D10N bulldozer. Mr. Ellis stated that, at this time, he returned to his front-end loader and contacted Clayton Sargent by radio, a front-end loader operator at the raw coal dump area. Mr. Ellis told Mr. Sargent that there was a man injured at the D10N Caterpillar bulldozer and to call Bob Barker, Plant Superintendent and an ambulance.

Mr. Ellis stated he then returned to the D10N Caterpillar bulldozer and that Mr. Sargent arrived about the same time. Mr. Sargent crawled beneath the D10N bulldozer to see if he could help Mr. Workman. Mr. Ellis stated that he went under the front of the bulldozer and checked Mr. Workman's pulse. Mr. Ellis stated that he could not feel a pulse and Mr. Workman felt cold. Mr. Ellis stated that Mr. Workman was lying on his right side pinned under the rear guard with an air operated impact wrench in his right hand. Mr. Ellis also stated that Mr. Workman was pinned from the waist up, with his feet pointed to the rear of the D10N Caterpillar bulldozer. Mr. Ellis came out from under the bulldozer and called by radio for Shannon Jones and Aaron Childers to bring crib blocks and a chain hoist to the accident scene. Mr. Ellis stated that Mr. Jones and Mr. Childers arrived very soon with the materials he requested. Mr. Ellis stated that they raised the bottom guard off Mr. Workman and placed crib blocks beneath the guard for support.

At this time, Mr. Sargent and Mike Jones, a bulldozer operator, pulled Mr. Workman from beneath the bulldozer. Clayton Sargent, who is also an EMT, stated that he began checking Mr. Workman for vital signs and opened his airway. By this time Boomer Fire and Rescue had arrived. Mr. Sargent assisted Boomer Fire and Rescue with the evaluation of Mr. Workman. Mr. Sargent stated that at this time Bob Barker, Plant Superintendent advised Mr. Sargent to stand back and allow EMS Personnel to do their job.

John G. Workman was pronounced dead on the scene by EMS Personnel. Upon release by the State Medical Examiner, Mr. Workman was transported by Jan Care Ambulance to the Medical Examiners office in South Charleston, West Virginia.

FINDINGS OF FACT

1. John G. Workman, a contract mechanic, was attempting to remove the rear bottom guard from a D10N Caterpillar bulldozer, serial number 2YDO1165, unit number 01-1165.
2. The rear bottom guard is located directly beneath the engine on the D10N Caterpillar bulldozer and weighs approximately 580 pounds. The guard was removed from the machine and weighed. The total weight of the guard (and debris that had accumulated on it) was 1,360 pounds.
3. The rear bottom guard was not securely restrained before Mr. Workman began removing the bolts that held the rear bottom guard in place.
4. The front right hinge on the rear bottom guard was broken, allowing the guard to fall forward when Mr. Workman removed the last bolt.
5. According to testimony, Mr. Workman was lying on his right side with an air wrench in his right hand and the rear bottom guard on top of him.
6. Mr. Workman placed himself directly beneath the rear bottom guard as he removed the bolts.
7. John G. Workman was pinned beneath the rear bottom guard from approximately his waist up.
8. Mr. Workman was alone while performing the task of removing the 580 pound rear bottom guard, using a 25-foot chain attached to the auto crane on his Ford F550 mechanics truck.

CONCLUSION

John G. Workman suffered fatal injuries as a result of the rear guard on a D10N Caterpillar bulldozer falling on him. The guard not being properly restrained and the position of the victim's body contributed to the accident.

ENFORCEMENT ACTION

A non-assessed control order was issued in accordance with Title 36, Series 19, Section 7 of the West Virginia Mining Laws in order to preserve the scene of the accident and to complete an investigation. The West Virginia Office of Miner's Health, Safety and Training issued two notices of violation during the investigation. The violations are not considered as contributing to the accident.

RECOMMENDATIONS

In accordance with Title 56, Series 8, Section 9.4 of the WV Mining Laws, Appalachian Fuels, LLC and Workman Repair Service shall modify their Comprehensive Mine Safety Program to include, but not be limited to the following:

1. Ensure machine is in suitable location and away from operating equipment.
2. Block machine to prevent movement.
3. Lower blade, ripper or other attachments to ground level.
4. Place "DO NOT OPERATE" tag in the operator's compartment.
5. Disconnect batteries.
6. Make sure all chains, hooks, sling, etc. are in good condition and are of correct capacity.
7. Place and secure appropriate chain attached to service truck and/or shop hoist for use in lowering bottom guard. Also secure a static support chain in position under the bottom guard. This static, or secondary, chain is to be snugged securely against the bottom guard by using a chain hoist or other appropriate device that will prevent any slack in this chain. Make sure the chains are positioned near the center of the bottom guard to prevent slipping. Using two chains will provide appropriate safety factor to ensure bottom guard is secure when nuts or bolts are removed.
8. Fully inspect the bottom guard assembly including nuts, bolts and hinges to ensure all components are intact prior to any further work being conducted.
9. Carefully remove appropriate nuts, washers and bolts while positioning body to avoid exposure to bottom guard.
10. From outside of machine, unhook one end of the static chain so that the bottom guard can be lowered.
11. From outside of machine, lower the guard until the lifting device is free of pressure.
12. Always assign two persons to perform removal of bottom guards.

ACKNOWLEDGMENT

The West Virginia Office of Miners' Health, Safety and Training gratefully acknowledges the cooperation of the employees and management of Appalachian Fuels, LLC, and the Mine Safety and Health Administration during this investigation.

Respectfully Submitted:

Garry L. Wolfe
Garry L. Wolfe, Surface Mine Inspector

4/23/08
Date

Terry L. Keen
Terry L. Keen, Surface Mine Inspector

4/23/08
Date

APPENDIX

- Contractor Information Sheet
- Mine Information Sheet
- Victim Information
- Persons Present During Investigation and Interviews

CONTRACTOR INFORMATION

CONTRACTOR Workman Repair Service

WV PERMIT C-7619 MSHA PERMIT NO. E619

MAILING ADDRESS 106 Woodland Forest, Winfield, West Virginia 25213

COUNTY Kanawha PHONE NUMBER (304) 586-0858

TYPE OF WORK PERFORMED Maintenance

WORKING STATUS Active

LOCATION Boomer, West Virginia

UNION _____ NON-UNION Yes

TOTAL EMPLOYEES 1

NUMBER OF SHIFTS 1

ACCIDENT FREQUENCY RATE N/A LOST TIME ACCIDENTS N/A

WVOMHST INSPECTOR Garry L. Wolfe #174

DATE OF LAST INSPECTION N/A

CMSP - ANNIVERSARY DATE May 3, 2008

CMSP - CONTACT PERSON John G. Workman

MINE INFORMATION

COMPANY Appalachian Fuels, LLC

MINE NAME Alloy Preparation Plant

WV PERMIT L-829

ADDRESS Boomer, U.S. Route 60

COUNTY Fayette

DATE PERMIT ISSUED April 12, 2004 WORKING STATUS Active

LOCATION Boomer, West Virginia

UNION _____ NON-UNION Yes

DAILY PRODUCTION N/A

ANNUAL PRODUCTION TO DATE N/A

TOTAL EMPLOYEES 18 NUMBER OF SHIFTS 3

NAME OF COAL BED N/A

SEAM THICKNESS N/A

ACCIDENT INCIDENT RATE 0 LOST TIME ACCIDENTS 0

TYPE OF HAULAGE Truck in; Truck out

WV OMHST INSPECTOR Garry L. Wolfe

DATE OF LAST INSPECTION January 3, 2008

NOTIFIED BY Bob Barker, Superintendent

TIME OF NOTIFICATION 12:25 p.m. on March 12, 2008

CMSP – ANNIVERSARY DATE April 15, 2008

CMSP – CONTACT PERSON Bob Barker, Superintendent

VICTIM INFORMATION

NAME OF VICTIM John G. Workman

ADDRESS 106 Woodland Forest, Winfield, West Virginia 25213

AGE 47 SOCIAL SECURITY NUMBER XXX-XX-4286

TOTAL MINING EXPERIENCE 20+ Years

EXPERIENCE AT THIS MINE 2 Days

AVERAGE NUMBER OF DAYS WORKED PER WEEK 6

AVERAGE NUMBER OF HOURS WORKED PER WEEK 60 PER DAY 10

LENGTH OF SHIFTS AT MINE 8 hrs. TRAVEL TIME TO/FROM WORK 1 hr.

OCCUPATION AT TIME OF ACCIDENT Mechanic

REGULAR OCCUPATION Mechanic

COAL MINER'S CERTIFICATION 6-2253

EMPLOYMENT HISTORY Information not available

SPOUSE'S NAME Sharon Workman

DEPENDENTS One

DATE OF ACCIDENT 12th DAY OF March, 2008

CAUSE OF ACCIDENT: John G. Workman sustained fatal injuries while attempting to remove the bottom guard on a Caterpillar D10N bulldozer.

DATE OF DEATH: 12th DAY OF March, 2008

INVESTIGATION

The following persons were present during the on-site investigation conducted on March 12, 13 and 19, 2008:

APPALACHIAN FUELS, LLC

Larry Whitt	Mine Manager
Frank Suttles	Surface Mine Superintendent
Bob Barker	Preparation Plant Superintendent
Steve Taylor	Maintenance Superintendent
Mike Templeman	CEO, Appalachian Fuels, LLC
Keith Smith	Safety Director
Mark Heath	Attorney
Brian Warner	Attorney
Walter Krickenberger	Foreman
Donald Ellis	Equipment Operator
Clayton Sargent	Equipment Operator
Mike Jones	Equipment Operator
Herbie Anderson	Equipment Operator
Shannon Jones	Preparation Plant
Raymond Adkins	Preparation Plant
Aaron Childers	Preparation Plant

MINE SAFETY AND HEALTH ADMINISTRATION

Robert Hardman	District Manager
Thomas Moore	Supervisor
Fred Wills	Supervisor
Andrew Sedlock	Accident Investigator
Joseph Mackaowiak	Accident Investigator
Mike Haynes	Coal Mine Inspector
Vince Nicolau	Coal Mine Inspector
Gary Bragg	Coal Mine Inspector
Mike Boggs	Coal Mine Inspector

WV OFFICE OF MINERS' HEALTH, SAFETY AND TRAINING

Terry L. Farley	Administrator
Garry S. Snyder	Inspector-at-Large
Terry L. Keen	Surface Mine Inspector
Garry L. Wolfe	Surface Mine Inspector

INTERVIEWS

The following persons were present during the interviews conducted on March 13, 2008:

APPALACHIAN FUELS, LLC

Larry Whitt *	Mine Manager
Frank Suttles*	Surface Mine Superintendent
Bob Barker*	Preparation Plant Superintendent
Steve Taylor*	Maintenance Superintendent
Keith Smith	Safety Director
Mark Heath	Attorney
Brian Warner	Attorney
Karon Vorholt	Court Reporter
Donald Ellis*	Equipment Operator
Clayton Sargent*	Equipment Operator

*denotes persons interviewed

MINE SAFETY AND HEALTH ADMINISTRATION

Joseph Mackowiak	Accident Investigator
Andrew Sedlock	Accident Investigator
Vincent Nicolau	Coal Mine Inspector

WV OFFICE OF MINERS' HEALTH, SAFETY AND TRAINING

Ronald L. Wooten	Director
C. A. Phillips	Deputy Director
Terry L. Farley	Administrator
Gary S. Snyder	Inspector-at-Large
Terry L. Keen	Surface Mine Inspector
Garry L. Wolfe	Surface Mine Inspector
Garry Hall	Deep Mine Inspector
Jama Jarrett	Communication Specialist