

0001

1 STATEMENT UNDER OATH
2 OF
3 WILLIAM TUCKER

4
5
6 Taken pursuant to Notice by Miranda
7 D. Elkins, a Court Reporter and
8 Notary Public in and for the State of
9 West Virginia, at the U.S. Bankruptcy
10 Courthouse, 324 West Main Street,
11 Clarksburg, West Virginia, on
12 Tuesday, March 28, 2006, at 1:29 p.m.

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1 A P P E A R A N C E S

2
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12 DAVE STUART
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15
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18 State of West Virginia
19 Office of Miners' Health,
20 Safety & Training
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23
24
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2

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1 P R O C E E D I N G S
2 -----
3 MR. SWENTOSKY:
4 My name is Dennis
5 Swentosky. I'm an accident
6 investigator with the Mine
7 Safety and Health

8 Administration, an agency of
9 the United States Department
10 of Labor. With me is Tim
11 Williams from the Solicitor's
12 Office, Mike Rutledge and Dave
13 Stuart with the West Virginia
14 Office of Miners' Health,
15 Safety & Training.

16 I have been assigned to
17 conduct the investigation into
18 the accident that occurred at
19 the Sago Mine on January 2nd,
20 2006, in which 12 miners died
21 and one was injured. The
22 investigation is being
23 conducted by MSHA and the West
24 Virginia Office of Miners'
25 Health, Safety & Training to

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1 gather information to
2 determine the cause of the
3 accident. And these
4 interviews are an important
5 part of that investigation.

6 At this time, the
7 accident investigation team
8 intends to interview a number
9 of people to discuss anything
10 that may be relevant to the
11 cause of the accident. After
12 the investigation is
13 completed, MSHA will issue a
14 written report detailing the
15 nature and causes of the
16 accident. MSHA accident
17 reports are made available to
18 the public in a hope that
19 greater awareness about the
20 cause of the accidents can
21 reduce their occurrence in the
22 future.

23 Information obtained
24 through witness interviews is
25 frequently included in these

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1 reports. Your statement may
2 also be used in other
3 enforcement proceedings.
4 I would like to thank
5 you in advance for your
6 appearance today. We
7 appreciate your assistance in
8 this investigation. The
9 willingness of miners and mine
10 operators and others to work
11 with us is critical to our
12 goal in making the nation's

13 mines safer. We understand
14 the difficulty for you in
15 discussing the events that
16 took place, and we greatly
17 appreciate your efforts to
18 help us understand what
19 happened.

20 This interview with Mr.
21 Bill Tucker is being conducted
22 under Section 103(a) of the
23 Federal Mine Safety & Health
24 Act of 1977 as a part of an
25 investigation by the Mine

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1 Safety and Health
2 Administration and the West
3 Virginia Office of Miners'
4 Health, Safety & Training into
5 the conditions, the events and
6 circumstances surrounding the
7 fatalities that occurred at
8 the Sago Mine owned by
9 International Coal Group in
10 Buckhannon, West Virginia on
11 January 2nd, 2006.

12 This interview is being
13 conducted at the U.S.
14 Bankruptcy Courthouse in
15 Clarksburg, West Virginia on
16 March 28th, 2006. Questioning
17 will be conducted by
18 representatives of MSHA and
19 the Office of Miners' Health,
20 Safety & Training.

21 Mr. Tucker, this
22 interview will begin by me
23 asking you a series of
24 questions. If you do not
25 understand a question, please

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1 ask me to rephrase it. Feel
2 free at any time to clarify
3 any statements that you make
4 in response to the questions.
5 After we have finished asking
6 questions, you will also have
7 an opportunity to make a
8 statement to provide us with
9 any information that you
10 believe may be important.

11 If at any time after
12 the interview you recall any
13 additional information that
14 you believe may be useful in
15 the investigation, please
16 contact Richard Gates at the
17 phone number and e-mail

18 address provided to you in the
19 letter that we provided to
20 you.

21 Your statement is
22 completely voluntary. You may
23 refuse to answer any question
24 and you may terminate the
25 interview at any time. If you

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1 need a break for any reason,
2 just let me know.

3 A court reporter will
4 record your interview and will
5 later produce a written
6 transcript of the interview.
7 Please try to respond to all
8 questions verbally since the
9 court reporter cannot record
10 nonverbal responses. Also,
11 please try to keep your voice
12 up. Copies of the written
13 transcripts will be made
14 available at a later date.

15 If any part of your
16 statement is based not on your
17 own firsthand knowledge, but
18 on information that you
19 learned from someone else,
20 please let us know. Please
21 answer each question as fully
22 as you can, including any
23 information you have learned
24 from someone else. We may not
25 ask the right question to

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1 learn the information that you
2 have, so do not feel limited
3 by the precise question asked.
4 If you have information about
5 a subject area of the
6 question, provide the
7 information --- that
8 information to us.

9 At this time, Mr.
10 Rutledge, do you have
11 anything that you would like
12 to add on the behalf of the
13 Office of Miners' Health,
14 Safety & Training?

15 MR. RUTLEDGE:
16 Bill, you're probably
17 aware that the Office of
18 Miners' Health, Safety &
19 Training is conducting this
20 interview session jointly with
21 MSHA, and we are in agreement
22 with the procedures outlined

23 by Mr. Swentosky for the
24 interviews that will be
25 conducted here today.

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1 However, the Director
2 of the Office of Miners'
3 Health, Safety & Training
4 reserves the right, if
5 necessary, to call or subpoena
6 witnesses or to require the
7 production of any record,
8 document, photograph or other
9 relevant materials necessary
10 to conduct this investigation.
11 We appreciate you being here
12 today. And thank you for
13 taking the time to come up
14 here. If you have any
15 questions, there's Mr. Mills'
16 contact information for you.

17 MR. TUCKER:

18 Thanks.

19 MR. SWENTOSKY:

20 Mr. Tucker, are you
21 aware that you may have a
22 personal representative during
23 the taking of this statement.

24 MR. TUCKER:

25 Yes, sir.

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1 MR. SWENTOSKY:
2 And do you have a
3 representative with you
4 today?

5 MR. TUCKER:

6 No, sir.

7 MR. SWENTOSKY:

8 And do you have any
9 questions before we get
10 started with your interview?

11 MR. TUCKER:

12 No, sir.

13 MR. SWENTOSKY:

14 And could you swear in
15 Mr. Tucker, please?

16 -----

17 WILLIAM TUCKER, HAVING AFFIRMED,
18 TESTIFIED AS FOLLOWS:

19 -----

20 BY MR. SWENTOSKY:

21 Q. And could you give us your
22 full name and spell your last name
23 for us, please?

24 A. William Arthur Tucker,
25 T-U-C-K-E-R.

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1 Q. And could we have your address

2 and telephone number, please?

3 A. [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 Q. Thank you. Are you appearing
7 here today voluntarily?

8 A. Yes, sir.

9 Q. And what is your present
10 position?

11 A. Assistant Inspector at Large
12 in Region Four in Oak Hill for
13 Miners' Health, Safety and Training.

14 Q. And how long have you worked
15 in that position?

16 A. Around three years.

17 Q. Okay. And who is your
18 immediate supervisor?

19 A. Steve Snyder.

20 Q. And how long have you worked
21 for the State?

22 A. Fifteen (15) years in
23 September.

24 Q. And how long have you been a
25 member of the mine rescue unit?

0015

1 A. Right around 13 years.

2 Q. Okay. And what is your
3 position on the team?

4 A. Just a team member.

5 Q. And who notified you of the
6 explosion at the Sago Mine?

7 A. I originally got a call from
8 one of my inspectors, Marvin Given.
9 He called and asked me if I had heard
10 of an explosion at Sago. And I
11 hadn't heard anything at that time.
12 And I called Eugene White, he's
13 another member of the mine emergency
14 team for the State, and see if he had
15 heard anything. He hadn't. He in
16 turn called Conaway. And Doug had
17 just gotten word and I think he was
18 on his way. And he informed Eugene
19 to get me and a couple others and
20 head that way. And then it wasn't
21 long after that that Mike Rutledge
22 called me from the Oak Hill office
23 and said he was getting ready to
24 leave with a mine rescue truck, and
25 for me to also head that way.

0016

1 Q. And starting from that point,
2 if you have any times, you know, give
3 us the time it was starting and from
4 when you was called and the times and
5 just to through your participation
6 traveling through the mine and where

7 you stopped and once you get to the
8 mine and what you did at the mine
9 until the time that you actually ---
10 the rescue was over.

11 A. Okay. Well, Eugene and I
12 decided to ride up together. And he
13 came by my house to pick me up and we
14 left my house on Maple Fork Road at
15 11:50. And we were told to go to the
16 parking lot at Wal-Mart in Buckhannon
17 and to call Brian Mills for further
18 instructions and directions. And
19 once we got there, we had called and
20 got direction onto the mine so we
21 left the Wal-Mart parking lot and
22 went on to the mine.

23 And we got at the mines, it
24 was right at 2:05. That would have
25 been on Monday, January the 2nd. The
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1 first person we spoke with was Doug
2 Conaway and when we got out of the
3 vehicle, he was giving us a briefing
4 of kind of what was going on. While
5 he was talking to us, Mike Rutledge,
6 I think he had just gotten there with
7 the truck. And he came up and was
8 giving us instruction on getting the
9 truck, the mine rescue truck, set up.
10 So we worked on that for a good bit.

11 And after, I guess, it was
12 kind of determined --- had got to the
13 point that they were getting ready to
14 go underground and I think Barry
15 Fletcher and John Hall, I think, went
16 in first and I was to be on standby
17 outside for them. And Eugene White
18 and myself were going to go
19 underground on the next shift and
20 Jeff Bennett was going to be our
21 backup outside. We had a couple
22 other members that were on their way.
23 One I think had --- Clarence Dishmon
24 I think had showed up and he was, you
25 know, told that they need him back
0018

1 the next morning, so he went back to
2 the hotel room later on.
3 We started underground at
4 11:40. And I was with the Robinson
5 Run Number Two team. And I think
6 Eugene was with another Consol team,
7 Blacksville maybe. But so once we
8 got underground and you know we got
9 set up, I was going to go with the
10 advancing team. And we were going up
11 the track entry and then we would

12 --- we would go up so far and then
13 we'd tie across. And I was with
14 Jerry Cook, an MSHA inspector, and
15 two of the guys on the mine rescue
16 team.
17 And we'd go to the left. We'd
18 have to crawl overtop of the belt and
19 go over, you know, we'd get air
20 quality readings across. And then
21 we'd -- we'd use Jerry's detector.
22 He had an iTX detector, it's better
23 detector. And he would check the CO
24 readings in the return. Then we'd
25 come back across and get back in the

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1 track entry and advance on up.
2 We got up to --- it was either
3 34 or 34 break --- 32 or 34 break.
4 And there was a stopping that was
5 damaged on the intake side and we
6 were getting some readings around
7 that stopping. Somebody had hung a
8 curtain across it. It was hung
9 across it when we got there. And we
10 were getting four to six parts per
11 million around the stopping. And
12 over in the track entry, we were
13 getting 100 parts per million. And
14 I'm not sure if that CO reading was
15 coming from the intake. I don't
16 really think it was. Or it could
17 have been coming up and swirling, you
18 know, around the stopping. But we
19 were getting reading right at the
20 stopping.
21 So then we went back to make
22 another pass across and tie into the
23 left. And I noticed --- I guess we
24 all did, noticed a red light, you
25 know, me and Jerry and the other two

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1 guys. It was several breaks up in
2 front of us, and it would kind of
3 lead you to believe that it was
4 possibly a cap light or a mining
5 light. So we got permission from the
6 command center to go and see what it
7 was. And when we got there, it was a
8 red light on a
9 --- it was in the CO monitoring
10 system on the boxes that had a red
11 light burning on it. When we called
12 it out, the command center shortly
13 after that ordered us out of the
14 mines.
15 And I think we got out a
16 little bit after 3:00 a.m. I think

17 it was like 3:15 a.m. And after
18 being outside a little while, we
19 ended up at the command center. You
20 had small room there like the mine
21 foreman's office, I guess. And
22 adjacent to it was another room
23 that's kind of open and the door was
24 open and we was kind of standing
25 there just trying to gain knowledge

0021

1 of, you know, what was going on, what
2 was going to be done. And not long
3 after --- well, it was a good while
4 after that, we ended up --- we didn't
5 go right back in the mine. We never
6 did go back in on that shift. We
7 left the mines that morning, the next
8 morning, which would have been the
9 3rd, around 20 after 7:00, to go back
10 to the hotel. We had been up all day
11 and all night and we went back --- we
12 went to the hotel to check in and get
13 a little bit of rest. I know it was
14 around nine o'clock by the time we
15 finally laid down to go to sleep.
16 And I remember it was 11:50 when we
17 woke up. Just couldn't sleep,
18 neither one of us and we just got up,
19 showered, took another shower, went
20 and ate at McDonald's right across
21 --- beside the hotel, and went back
22 to the mines.

23 We got back to the mines
24 around two o'clock on the 3rd. And
25 we --- we had, you know, tried to ---

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1 tried to stay up with what was going
2 on and the --- they found the manbus,
3 they found Mr. Helms. And then later
4 they found the manbus and it was
5 empty so, you know ---. By the time
6 they found that, you know, to be
7 honest, we had pretty much given up
8 hope that anybody was still alive.
9 And when they found the manbus and it
10 was empty and shortly after found the
11 rescuers, you know, everybody was
12 pretty excited. You know, we had
13 hope then that they were still alive.
14 And so I can remember trying
15 to gather up some self-rescuers at
16 that point. And I talked to somebody
17 in the company or something, they
18 were looking. And we started letting
19 baskets down and taking rescuers off
20 baskets. And we --- because I was
21 going to be with the next team going

22 in.
23 So I'm not sure what time we
24 went back in. We gathered up 14
25 rescuers. And I remember asking Mr.

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1 Tooley, he works for MSHA on the mine
2 emergency team --- we had worked with
3 him at Loveridge and they had some
4 little --- I call them buddy puffers.
5 I don't know the proper name for
6 them. But it's to be used like if
7 somebody has trouble with their
8 apparatus, they can use that to get
9 oxygen to get back to fresh air and
10 you only have so many breaths with
11 it. I was asking him if he had
12 those. And right before we went
13 underground, I saw him again and he
14 hadn't found them but there was
15 somebody with him, I'm not sure who
16 it was and they had mentioned that
17 they had sent in some oxygen on the
18 first mantrip that went in.
19 So we had the 14 rescuers and,
20 you know, we headed in. And when we
21 got to 43 break, we were told to
22 break the rails there. And that's
23 the first thing we did going back in.
24 I was with the McElroy team. So we
25 broke the rails and I think there was

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1 some supplies on a flatcar or
2 something. We were told to unload
3 those. I'm not sure why or what was
4 going on with that. But anyhow, we
5 had a few assignments to do when we
6 first got there at the end of the
7 track at 43 break. So we did that
8 and we headed up to the fresh air
9 base. And if I remember right, it
10 was the 56 break at that point. And
11 we were carrying the rescuers up with
12 us.

13 And we got up there and just
14 kind of got real quick breaking that
15 they had been real close to the
16 working faces and they hadn't ---
17 they were going to make a final push
18 to go to the faces because they had
19 never found miners. And we were
20 stretched out really far at that
21 point. Normally, you go 1,000 foot
22 and move up the fresh air base. And
23 so like I say, the fresh air base was
24 right at 56 break. And just inby
25 there a few breaks, they was going to

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1 drop off a guy off another team. He
2 had a
3 two-way radio to relay messages back
4 to the fresh air base. He didn't
5 have his apparatus with him and I
6 sent him back to get his apparatus.
7 It was at the fresh air base. So
8 then we --- just inby there, they had
9 hit, you know, CO. It was running
10 like 200 to 300 parts per million, so
11 we went under air and we was going up
12 the track entry.

13 When we had gotten to the
14 manbus, we dropped off a few rescuers
15 there. They was just heavy. I had
16 six in a bag that I was carrying. We
17 carried them quite a ways. And we
18 dropped off just a couple there. And
19 we still had 12 with us. And we went
20 on up the track entry and I think ---
21 somebody else may have dropped off
22 the radio, I'm not 100 percent sure.
23 But it was me and the captain, Jimmy
24 Klug, we were going to go to the left
25 side and the other --- some of the

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1 other members was going to go to the
2 right side of the section. And we
3 started --- started through the
4 crosscut and they were hollering at
5 us and you couldn't --- couldn't
6 really hear what they were saying.
7 And Jimmy said something about can we
8 keep going or something. And I
9 responded, yes. And I'm not sure
10 exactly what he said. But anyhow, we
11 --- we were going to go on across and
12 we were right there in the last open
13 break.

14 And as we started through that
15 crosscut, we heard something. We
16 stopped and then we heard a moan.
17 And we could see the curtain hung
18 across the mouth of the entry. So we
19 took off running to the curtain and
20 Jimmy tore the corner down and we
21 could see the miners laid out on the
22 mine floor. And I started screaming,
23 and we could hear Randal moaning.
24 And Jimmy ran straight to him. And I
25 was screaming we need help, we need

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1 help.
2 And I mean, when you first looked in,
3 in my mind at that point, you know, I
4 thought that most of them were dead.
5 But I was hollering back for help and

6 I said they're over here, they're
7 over here and they're alive.
8 And so I ran then to Randal
9 and like I said, you could --- it
10 appeared with what we saw --- I've
11 never experienced anything even close
12 to anything like that, but it
13 appeared that they were dead. And so
14 we run to Randal and he was sitting
15 up. He was on the left-hand rib.
16 They were all there pretty close
17 together, probably within 50 feet of
18 each other along the rib and a couple
19 were laying in the middle of the
20 entry. And it -- they'd cut curtain,
21 had pieces of curtain that they were
22 laying on, sitting on. So Randal was
23 on the left-hand rib. He was the
24 inby person and they --- the guy that
25 was leaned up against him, Henry,

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1 real bad and his arm was actually in
2 his blood. And of course his eyes
3 was, you know, rolled back in his
4 head. And I noticed some fluids that
5 had started coming out of his mouth
6 and in my mind, I thought he was
7 minutes from death. And so we pulled
8 him down.

9 Then another one of Jimmy's
10 mine rescue members on his team got
11 there and we pulled him down and was
12 breaking open the rescuers to try to
13 get a self-rescuer in his mouth. And
14 I mean, I know how they work and I
15 had a lot of dealings with the
16 rescuers, but it just didn't seem
17 like the bag was doing what we wanted
18 it to do. And we would --- and his
19 mouth, his muscles had really
20 tightened up and it was real hard for
21 Jimmy to get the mouthpiece in. And
22 it didn't seem like that the --- you
23 could see the bag doing much and we
24 had --- I'd crack open another one
25 and we'd see if it would work better.

0029

1 And even though, you know, I realize
2 they were working and with that type
3 of rescuer, it's kind of like a
4 demand, you have to demand it for it
5 to work. And so I started --- Jimmy
6 had mentioned about checking the
7 others. And we were waiting for a
8 stretcher or something and all we
9 could think about was, you know ---
10 well, there's a lot of focus on

11 getting him to fresh air, you know.
12 So I went --- the other guy was there
13 helping Jimmy and he was trying to,
14 you know, talk to him and tell him to
15 hang on and trying to get the
16 mouthpiece in his mouth.
17 And so I went to the other
18 miners, to each one of them. I
19 started on the right rib, on the one
20 that was inby, and I would try to
21 check for a pulse and you know, shake
22 them and holler, just to try to get
23 any kind of response. And so I went
24 all the way up the left rib and
25 there's a little notch at the mouth

0030

1 of that entry and there was a couple
2 miners in it. The way they hung the
3 curtain back and going across, it
4 included that little notch. And you
5 know, in my mind, you know, after
6 checking everybody, I thought that
7 everybody else was deceased. And
8 there's a radio laying there that I
9 guess the other guy that came had
10 laid his hand-held radio down. And I
11 picked the radio up and I hollered
12 there's only one. And they had the
13 stretcher there and we was putting
14 --- trying to get him on a stretcher
15 and we didn't have anything to secure
16 him with. And so we cut the straps
17 off a couple of the SCSR units and I
18 took his boot lace out. Nothing we
19 had was long enough so I ended up
20 trying them together. And that's
21 what we used to secure him to the
22 stretcher with.

23 And while we were doing that,
24 several other guys came and I later
25 --- well, it was the backup team. I

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1 recognized Eugene's voice, you know,
2 hollering and screaming at the one's
3 he was trying to check, and you know,
4 check for signs of life. And as soon
5 as we got --- well, before we put him
6 on the stretcher, we were hollering
7 for oxygen, if they could find any
8 oxygen. We thought there might be an
9 EMT kit or something around the power
10 center or something. And somebody
11 went to check it, they never did come
12 back, so I took off running and I ran
13 up to the power center. And there's
14 two men there. I think one was Ron
15 Hixson, the federal mine emergency

16 unit member. And another member,
17 somebody, I don't know who it was.
18 And they said they couldn't find
19 anything.

20 There was a calibration kit
21 laying there and for whatever reason
22 I picked it up, and I started that
23 way. And one of them even hollered
24 and said that was the only
25 calibration kit. But for whatever

0032

1 reason, I carried that back to the
2 barricade, I'm the one that put that
3 there. But anyhow, I didn't want to
4 leave that part out, I just
5 remembered it.

6 So we got back and we had
7 Randal on the stretcher and we just
8 took out with him. I know that
9 there's a lot of other people that
10 came and they were checking the other
11 miners. And so we took off with
12 Randal. And as we was trying to
13 carry him, Jimmy was trying to hold
14 the rescuer in his mouth, the
15 mouthpiece. And at one point, you
16 know, the footing was really bad and
17 everybody was under air and it was
18 real tough trying to get down through
19 there. And I know at one point
20 somebody, you know, relieved Jimmy
21 out trying to hold the mouthpiece in.

22 But when we got back, we
23 finally got back to where we had
24 dropped the one guy off at the mouth
25 of the section. And that was

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1 respirable air there. And I think
2 --- I think they used Jeff Bennett's
3 apparatus. That's where we put the
4 apparatus on him. And while they was
5 doing that, you know, we was taking
6 our face pieces off and stuff. As
7 soon as they got --- got him on that
8 oxygen, then we continued on down
9 from that point, down to the manbus.
10 And as soon as we got him to the
11 manbus, you know, they started out
12 with him, to take him outside.

13 Then we sat there for a little
14 bit, and I don't know how long it
15 was, but in a little bit, they got
16 word to come outside. And we came on
17 outside.

18 Q. Okay. Thanks. If you can
19 kind of go back to when you arrived
20 at the mine just a little bit and

21 we'll kind of fill in some blanks.
22 Do you want a break?
23 A. I'm all right. Thank you.
24 Q. When you arrived to the mine,
25 you spoke with Mr. Conaway, I believe

0034

1 you said?
2 A. Yes, sir.
3 Q. And did he kind of describe to
4 you what was going on? What did he
5 say to you?
6 A. That's what he was doing, but
7 to be honest with you, to remember
8 the details of the conversation, I
9 can't. I know he told us we --- you
10 know, we had 12 men unaccounted for.
11 Q. Okay.
12 A. Or 13. Thirteen (13). You
13 know, that everybody's still
14 unaccounted for and --- but as far as
15 details, I don't know that he had
16 very many details at that point.
17 Q. Okay. And then during that
18 period of time until you went
19 underground, you were just preparing,
20 you mentioned about the West Virginia
21 Mine Rescue truck arrived and you
22 were getting that ready and so on.
23 A. Right. We worked on that.
24 And at one point, John Collins
25 brought a map down to the truck and

0035

1 he gave us a good briefing on the
2 layout of the mines and everything.
3 And just gave us, you know, a good
4 briefing of what we had there as far
5 as the conditions of the mine.
6 Q. And I believe you said that
7 you went with the Robinson Run Team
8 around 11:40 that night or somewhere
9 around there. That was your first
10 trip underground?
11 A. Yes, sir.
12 Q. And between the time that you
13 arrived at the mine, setting the
14 truck and so on, your activities were
15 ---?
16 A. Other than setting the truck
17 up, we would, you know, just go back
18 and forth between the truck and up to
19 the command center just to, you know,
20 kind of see what was going on.
21 Q. Okay. And what was your
22 assignment when you were going under
23 --- was going underground with
24 Robinson Run? Where did you go to
25 there?

0036

1 A. I'm not sure what point that
2 they were --- where we started
3 exploration. We were starting to
4 make pretty good time. I would be
5 guessing, I'd probably say around, I
6 don't know, 16 or 18 break, maybe a
7 little further in than that when we
8 started. We seemed like we was
9 getting lined out and making good
10 time and we --- when we saw that
11 light.

12 Q. Okay. And where did you say
13 that light was?

14 A. It was in the belt entry.

15 Q. In the belt entry, but was
16 that the ---?

17 A. It was around --- it would
18 have been, I'm guessing, around 36 or
19 37 break. And I think that's on
20 Number Four belt.

21 Q. Number Four. And when you saw
22 that, you said you thought it might
23 be a cap lamp or something like that.
24 You proceeded to that location and
25 found it was part of the CO system;

0037

1 is that correct?

2 A. Yes, sir.

3 Q. And then when you --- and then
4 you called that out ---

5 A. Yes.

6 Q. --- outside? And what
7 instructions did they give you at
8 that point?

9 A. If I remember correctly, there
10 was a small delay like, you know,
11 they were having a conversation in
12 the command center about it and then
13 we were told to come out of the mine.
14 I wasn't on the phone, but we got
15 direction from whoever took the call.
16 You know, they were --- we were
17 instructed to come out of the mines.

18 Q. And do you know why they did
19 that? I mean, ---.

20 A. I would assume that when they
21 saw the light on that system that
22 they thought ---- it was energized.

23 Q. Sure.

24 A. And I think that they had felt
25 like there was no power going

0038

1 underground. And of course they knew
2 that, you know, they had already had
3 one explosion and that would be a
4 possible ignition source.

5 Q. Right.
6 A. And rather than jeopardize the
7 safety of the teams I'm assuming they
8 decided at that point until they
9 could decide for sure that they had
10 to bring us out of the mines.
11 Q. Right.
12 A. And there may have been other
13 factors that was involved in that,
14 other things going on, on the
15 surface, I don't know.
16 Q. And they wouldn't want to
17 bother that with people underground
18 because of a possible explosion ---
19 could cause another explosion ---
20 A. Another ---.
21 Q. -- not knowing what was
22 underground?
23 A. Yes, sir.
24 Q. Okay. So then you exited the
25 mine at that point --- everyone was

0039
1 brought out. And was that the extent
2 of your underground work that day?

3 A. Yes, sir.
4 Q. Well, I guess it wouldn't be
5 that day, but ---?
6 A. This would have been on the
7 3rd, that morning.
8 Q. Yes, that morning.
9 A. And we hung around, you know
10 --- we got out around 15 after 3:00
11 in the morning and we left the mines
12 at 7:20 that morning. So you know,
13 we hung around. And I recall
14 correctly, they were --- that's about
15 the time they were drilling the --- I
16 may be off, but I know at some point
17 they were drilling the borehole down
18 at the feeder.

19 Q. Okay.
20 A. And I'm thinking it may have
21 been during that time also. If I
22 remember right, they drilled in the
23 mines after five o'clock that
24 morning. And I would assume that
25 when they were drilling that down

0040
1 with the lightning storm still going
2 on that they wouldn't have allowed
3 anybody to be underground, with the
4 drill still in the hole.

5 Q. Okay. And so then you left
6 the mine you said around 7:20 or
7 something?
8 A. Yes, sir.
9 Q. And you went back to the hotel

10 and you returned to the mine
11 somewhere around --- what time did
12 you say?
13 A. Two o'clock.
14 Q. Around two o'clock. Was that
15 the time you were originally supposed
16 to come back or were ---?
17 A. There's no ---
18 Q. No time ---?
19 A. --- set time.
20 Q. Okay.
21 A. We just --- you know, we
22 wasn't really expecting to go inside
23 since we just left that morning. We
24 knew that we had the dayshift there
25 and we knew that Barry and John would

0041

1 be coming back from the evening
2 shift. So we wouldn't have been
3 expecting to go underground until
4 later that evening. But like I say,
5 we slept a couple hours and woke up
6 and just --- you can't sleep and we
7 just ---
8 Q. Wanted to get back to the
9 mine?
10 A. We wanted to get back, yes,
11 sir.
12 Q. Okay. And when did you go
13 underground then again?
14 A. I would guess maybe something
15 'til 10:00. I'm not sure. I
16 normally write times down. And it
17 kind of got to where that once they
18 --- when they found that manbus and
19 they found the rescuers, you know,
20 that things got --- just picked up
21 dramatically and we, you know, was
22 rushing around. I'm not sure exactly
23 what time we went back underground.
24 Q. Did you spend any time in the
25 command center at all during those

0042

1 three days?
2 A. I spent a good bit of time at
3 the command center. I wasn't a part
4 of the command center, but I --- we
5 spent a lot of time there and just
6 trying to stay abreast of what was
7 going on. When we came out the first
8 morning, we got out around 3:00 ---
9 like I say, 3:15, and we stayed at
10 the command center the biggest part
11 of the time 'til we left that
12 morning.
13 Q. Okay. And when you come
14 outside, did they debrief you?

15 A. Normally, they --- as a State
16 Mine Rescue member, as far as a
17 debriefing from the company, usually
18 they'll debrief the team. We're not
19 always a part of the debriefing. But
20 no, I wasn't. As far as --- I don't
21 recall a debriefing, per se, but ---
22 well, I'm trying to think back. you
23 know, it's been a while.

24 Q. Sure, I understand.

25 A. I know I was there. I heard a

0043

1 lot of briefings or a lot --- I've
2 heard several briefings what time I
3 was there. They would go in the
4 bathhouse and brief people. I don't
5 recall specifically being debriefed.
6 I'm not --- I could have been, but I
7 don't recall that.

8 Q. And normally, what you do, you
9 as a State mine rescue person, you
10 travel with a team and go along with
11 them to see more or less, not an
12 escort, but to make sure everything
13 is done correctly?

14 A. For the biggest part. And we
15 basically become a team member.

16 Q. Okay.

17 A. I mean, we --- I take orders
18 from the team captain or anybody if
19 there's any --- and all of our guys
20 will. We become a part of that team
21 and we assist in any way that we can.

22 Q. Okay. And so then which team
23 did you go underground with on the
24 evening of the 3rd?

25 A. McElroy.

0044

1 Q. McElroy team. And when you
2 left the surface, what was the
3 instruction or what was that team
4 supposed to do?

5 A. I understood that they were
6 close to being on the section and we
7 was going to make a push to get to
8 the working faces. Like I say, you
9 typically go 1,000 feet and we were
10 stretched out. I figured that after
11 it was all over with and just looking
12 at the map and --- we were around
13 2,300 feet that we stretched out
14 trying to get to the faces.

15 Q. Okay. When you went
16 underground with the McElroy team and
17 then you had mentioned about cutting
18 the rail at 43 break. Was that along
19 43 break along the Number Four belt?

20 A. Yes.
21 Q. Okay. And your team did that?
22 A. Yes.
23 Q. And then after breaking that
24 rail, then you went to the fresh air
25 base or ---?

0045
1 A. Yes. I think --- we unloaded
2 some supplies off the supply car
3 there also, but we had a few things
4 to do there, and as soon as we did
5 that, we went to the fresh air base.
6 Q. Okay. And ---?
7 A. Now, when I went underground,
8 I didn't know that we would be the
9 team making the final push, but I
10 knew that they were setting up to try
11 to get up to the section.
12 Q. Was it your understanding you
13 would be the backup team or ---?
14 A. I don't really recall, ---
15 Q. Okay.
16 A. --- to be honest.
17 Q. But you didn't know that you
18 guys were going to be the ones that
19 made the push?
20 A. Right.
21 Q. Okay. And when you got to the
22 fresh air base, tell me a little bit
23 about that. How did you become to be
24 the team that went to the fresh ---
25 or went to the face?

0046
1 A. I'm not sure exactly how they
2 decided that McElroy team was going
3 to go. But like for the State, you
4 know, we had --- there was me and
5 Eugene White there. So I told him
6 that I would go with the advancing
7 team and he was my backup. If it had
8 been a different team that went, one
9 of the other teams went, I would have
10 still went with them.
11 Q. Okay.
12 A. So like if we go in, we change
13 teams. We're not --- you know, the
14 bottom line is one of us is
15 advancing, one of us ---
16 Q. Sure.
17 A. --- is backup. But we ---
18 sometimes the way the rotation may
19 work out, the team we start out with
20 goes outside. We may not have a
21 replacement.
22 Q. Sure.
23 A. We may stay and be with the
24 next team that comes in.

25 Q. Yeah, whatever you are going
0047
1 to do --- whatever team that is,
2 that's the one you travel with?
3 A. Right.
4 Q. Right. Okay. And what other
5 teams were at the fresh air base when
6 you arrived, do you recall?
7 A. I don't. Eugene may be able
8 to better answer that. He was there
9 with them.
10 Q. So then the McElroy team was
11 given an order to go to the face. Is
12 that what ---?
13 A. That's the way I understood
14 it, yes.
15 Q. Okay. And you started doing
16 that. And was that the complete
17 McElroy team, yourself and someone
18 from the Federal?
19 A. Ron Hixson.
20 Q. Ron Hixson.
21 A. And Frank Thomas was his
22 backup.
23 Q. Okay. So there was you two
24 and then the McElroy team that
25 traveled. Okay. And so you left the
0048
1 fresh air base and then you traveled
2 the track entry?
3 A. Yes.
4 Q. And you mentioned some
5 communication drop off. Where was
6 that at?
7 A. It was right at the mouth of
8 Two section. It was --- it was just
9 inby the fresh air base. It wasn't
10 just a few breaks inby. But where
11 they had stretched so far, it was the
12 last point in fresh air.
13 Q. Okay.
14 A. Because he didn't have to be
15 under air and then just a break inby,
16 you started hitting CO.
17 Q. Yeah. You mentioned about
18 someone had some up there without
19 their apparatus and then you sent
20 them back to get his apparatus?
21 A. It was only a few breaks. He
22 had his apparatus. I don't know what
23 the deal was. But he knew he --- I
24 guess he was going to be in fresh air
25 and didn't think to bring it.
0049
1 Q. You just wanted ---
2 A. But being right there that
3 close, I just asked him --- I asked

4 him to go get it.
5 A. Yeah.
6 Q. So that ---?
7 A. So he'd have it right there if
8 he needed it.
9 Q. Yeah.
10 A. Not that he put it on, but
11 he'd have it at arm's reach if he
12 needed it.
13 Q. Okay. And do you know those
14 individuals that were left at the
15 mouth of Two Left?
16 A. No.
17 Q. Okay. And what communication
18 did they have?
19 A. The guy we dropped off?
20 Q. Yes.
21 A. It was a hand-held radio. I'm
22 assuming it was a T-1000 Motorola. I
23 wouldn't swear to it, but that's what
24 I think it was.
25 Q. Was there also --- was there
0050
1 two individuals there?
2 A. One.
3 Q. Just one?
4 A. As far as I know. The fresh
5 air base was only a few breaks.
6 Q. I understand.
7 A. And there was another radio
8 set up there that they could call
9 outside on. Now, I not sure if
10 somebody --- because I took off going
11 in, I'm not sure if somebody else was
12 there with him. Like I say, he was
13 in fresh air.
14 Q. So at the fresh air base, you
15 had the hard line to the surface and
16 you had the cable reel there with the
17 headset at the fresh air base?
18 A. We didn't --- we didn't ---
19 there may have been a cable reel
20 there, but we were using the
21 hand-helds. So we had the hard line
22 to the surface and a guy stationed at
23 that phone.
24 Q. Yes.
25 A. Then we were using the
0051
1 hand-held radios, so I'm not sure if
2 there was a cable reel there with the
3 headset or not. There may have been
4 but I don't know that.
5 Q. Okay. And then at the mouth,
6 --- so then just a break or two inby,
7 you had the mouth of --- on the track
8 entry, the mouth at Two Left and then

9 you had a person there ---
10 A. Yes.
11 Q. --- that you had left off with
12 a hand-held radio; right?
13 A. Yes.
14 Q. Okay. And to the best of your
15 knowledge, that's the only person
16 that was there?
17 A. Yes.
18 Q. Okay. And then you made your
19 way in the track entry ---
20 A. Yes.
21 Q. --- with the remainder of the
22 people? Okay. And then at some
23 point did you come along the --- at
24 the manbus, the Two Left manbus?
25 A. Yes.

0052

1 Q. Okay. And what did you do
2 there?
3 A. That's where we ended up ---
4 we left a couple rescuers there.
5 Q. Okay.
6 A. And I think we only dropped
7 two because there was still 12 miners
8 unaccounted for and just --- we
9 dropped two just to lighten the load
10 a little there. If you throw six of
11 those in a bag and a carry them a
12 half mile, they get pretty heavy.
13 Q. All right. Then you continued
14 up the track entry?
15 A. Yes.
16 Q. And do you recall what the CO
17 levels were in those locations?
18 A. Between 200 and 300.
19 Q. Okay. And traveling up the
20 track entry, did you at some point
21 leave another person off?
22 A. I'm sure they did.
23 Q. Okay.
24 A. Yeah. Once it got hard for
25 them to hear the guy back at the

0053

1 mouth of Two section. I know
2 somebody else was --- yes, somebody
3 else was dropped off.
4 Q. Okay. Were you out ahead of
5 the McElroy team a few breaks or so?
6 A. No. We were there close
7 together. You know, you're strung
8 out walking through there, so --- a
9 little bit.
10 Q. But you were ahead of them, so
11 that's kind of why you wouldn't know
12 whether or not they actually left a
13 person off or not?

14 A. I know we left somebody.
15 Q. Somebody. But I mean, you
16 were ahead of the team? Yeah, okay.
17 And okay then, you continued in the
18 track entry. And what did you do?
19 Just kind of start me through that.
20 A. Okay. We went on --- we went
21 on up toward the faces and me and
22 Jimmy were going to go left-handed.
23 I can't recall 100 percent sure if
24 we, at some point, might have dropped
25 over in the belt entry. I can't

0054

1 remember if the track was in Number
2 Four or the belt was in Number Four.
3 But anyhow we went to the last open
4 break and me and Jimmy Klug was going
5 to the left.
6 Q. Okay.
7 A. And I'm not sure who the other
8 individuals were, but they were going
9 to the right by the section ---
10 Q. Okay.
11 A. --- off of the heading we were
12 in. And when we started through the
13 crosscut between Four and Three is
14 when we heard something, and we
15 stopped. And then we heard a moan
16 and we took off running. You could
17 see the curtain hung across the mouth
18 of an entry. And Jimmy tore the
19 corner down and part of the curtain
20 down and you could see the miners
21 laying there.
22 Q. Jim was ahead of you?
23 A. Yes, sir.
24 Q. Just a step or two?
25 A. We were right there together.

0055

1 He was a couple steps, yes.
2 Q. And he tore the curtain down
3 so that curtain was over against a
4 rib?
5 A. Yes, sir.
6 Q. Hung over against a rib?
7 A. Yes.
8 Q. Okay. Was there a curtain up
9 before you got to that one, do you
10 recall?
11 A. In the crosscut?
12 Q. In a crosscut, yes.
13 A. We didn't know there was. It
14 was hung --- that was a diagonal that
15 they had hanged --- that they had
16 hung on the --- like going up in the
17 entry, it had been on the right rib
18 and they hung it diagonal all the way

19 across and they included that little
20 niche that went in on the left ---
21 outby that niche.

22 Q. Okay. So that's the only
23 curtain that you saw in the section?

24 A. No, not on the section, but
25 coming through that last open break

0056

1 when we come that way. There was a
2 couple other curtains that were hung
3 on the section that I can recall. I
4 couldn't begin to tell you --- would
5 have been on that side of the
6 section. I remember going through
7 another curtain or two.

8 Q. But you don't know where it
9 is?

10 A. I couldn't begin to show you.
11 I don't recall.

12 Q. Okay. So then when you went
13 through the curtain behind Mr. Klug
14 and then did you say you both went
15 over to Mr. McCloy?

16 A. Yes, sir.

17 Q. You both went over there?

18 Okay. And kind of tell me --- go
19 through that a little bit more.

20 A. Okay. When he tore the
21 curtain down and you could see the
22 miners laying there, I started
23 screaming for help. I didn't have a
24 radio and Jimmy didn't have a radio.

25 Q. Okay.

0057

1 A. And these guys was just ---
2 they were close but they were a break
3 or so away and I started screaming
4 for help. And then we went straight
5 to Randal and like I say, he was the
6 inby person on the left rib. And we
7 ended up --- when we pulled him down,
8 by that --- by the time we went to
9 pull him down and lay him on his
10 back, another one of his team members
11 got there, because I know the three
12 of us pulled him down and started
13 trying to get an SCSR --- started
14 trying to get it in his mouth. And I
15 think Jimmy had a lot of trouble
16 doing that.

17 Q. Do you know if he had any of
18 the goggles from the SCSR on at all?

19 A. I don't know.

20 Q. Do you happen to know if any
21 of the others had those on?

22 A. I thought and thought about

23 it. I don't know. I couldn't --- I

24 couldn't tell you. I just ---.
25 Q. Do you remember whether or not
0058
1 they had them around their neck at
2 all?
3 A. I don't.
4 Q. Okay.
5 A. And I thought shortly after
6 that, but I don't know. It's
7 something I didn't --- I didn't
8 notice.
9 Q. Okay. And I can understand
10 that. So then after you had Mr.
11 McCloy down, got him on his back,
12 started working on him. And then
13 what occurred next?
14 A. Okay. That's when that --- I
15 think Jimmy actually mentioned about
16 checking the others ---
17 Q. Okay.
18 A. --- to see if we could find a
19 pulse. And I started checking them
20 myself. I know others did also. I
21 went on the right rib and I started
22 coming down the rib and checking them
23 as I came to them. And there was two
24 men that was in the little niche, one
25 guy was right on the very outby
0059
1 corner. And I checked them and came
2 back up the other rib. And when I
3 came --- after I checked everybody
4 and I noticed a radio that was laying
5 there that one of his guys had laid
6 down that came into the area, I
7 picked up the radio and I hollered we
8 only have one.
9 Q. And at that time was --- Jim
10 was still working with Mr. McCloy?
11 A. He had the SCSR in his mouth.
12 Q. And is anybody else helping
13 him, do you recall?
14 A. Well, he had that one other
15 guy there. I remember him coming.
16 And then we were hollering for
17 oxygen. And you know, I know some
18 people went and looked for it and we
19 hadn't got any. And I ran after ---
20 when I came back after doing an
21 assessment of everybody and came
22 back, then I ran back to the power
23 center myself. I went back up and
24 looked myself and that's when I
25 picked up the calibration kit and
0060
1 came back. And then we had the
2 stretcher and we started trying to

3 --- you know, we put him over on a
4 stretcher. There was other people
5 there then that was helping. I
6 couldn't tell you how many. I'm not
7 sure.

8 Q. When you did your assessment
9 --- I know it's a tough situation.
10 But when you did your assessment of
11 those individuals and decided --- I
12 mean, can you tell me like how ---
13 you know, what part of your
14 assessment or what did you do as an
15 assessment of those individuals to
16 determine if they had --- were
17 deceased?

18 A. I tried to check everybody's
19 --- I checked everybody's pulse. I
20 felt for a pulse. And I think most
21 of them had hemorrhaged, hemorrhaged
22 out, and there was some physical
23 evidence there that you could see. I
24 mean, that I thought, you know, with
25 the hemorrhaging, most of them had

0061

1 hemorrhaged and some of them, there
2 was foam, a lot of foam, and a pulse.
3 They were ice cold. And they
4 appeared to be deceased.

5 Q. Okay. Do you want to take a
6 break?

7 A. It's all right.

8 Q. So then you went and you
9 brought back the calibration kit and
10 then you were, at that time, you were
11 attempting --- or you started
12 assisting tying down Mr. McCloy; is
13 that correct?

14 A. Yes.

15 Q. Okay. And you had said that
16 you cut some straps off. And then I
17 believe you said you took a boot
18 lace, you took one of his boot lace
19 ---

20 A. Yes, sir.

21 Q. --- boot laces out? Okay.
22 Did you take his shoes off or
23 anything?

24 A. No.

25 Q. No? Just took the boot lace

0062

1 out?

2 A. I just took the lace out. We
3 was --- we didn't have anything to
4 tie him down ---

5 Q. Okay.

6 A. --- on the stretcher with and
7 I cut --- I only --- somebody had dug

8 out a little knife or something. We
9 cut the straps off the SCSR, and then
10 we tried to use that and it wasn't
11 quite long enough. And I took his
12 boot lace out, his left boot lace. I
13 think somebody else took the other
14 one out. I couldn't swear to it.
15 And I took that boot lace and tied it
16 onto that strap.

17 Q. And did he have ---?

18 A. And that's what we tied him
19 down to the stretcher with.

20 Q. He had the normal boots on,
21 like Matterhorns, leather boots,
22 leather shoes?

23 A. The best I can remember ---
24 no, they were rubber boots.

25 Q. Okay.

0063

1 A. They were rubber boots.

2 Q. Okay. And then at that point
3 there, then you prepared for
4 transportation, after you had him
5 strapped down?

6 A. Yeah, while we were doing
7 that, then the backup team had got
8 there. They had gotten word that we
9 needed help. So they had gotten
10 there and I know they were assessing
11 the other miners also, because --- I
12 mean, I could hear some of the things
13 that was going on. And I know that
14 they were checking them also. But as
15 soon as we got him tied down on the
16 stretcher, then we took off.

17 Q. Had any of the other members
18 ---- their assessment, did they have
19 any conversation with you or the
20 other teams or the other persons
21 there or did they have any
22 conversation with you about the
23 assessment that they did or anything
24 like that?

25 A. No.

0064

1 Q. No? Okay. And then --- so
2 then you started to transport Mr.
3 McCloy, picked him up? How many guys
4 were on the stretcher, do you
5 remember?

6 A. I don't remember for sure.
7 Four or five. I'm not for sure.

8 Q. That's fine.

9 A. There could have been another
10 one. And the whole time, somebody
11 had to hold the mouthpiece of the
12 SCSR, because ---?

13 Q. Do you have any idea how many
14 of those SCSRs you had --- you opened
15 up at all?
16 A. Yes. We --- it was three or
17 four that we actually opened up right
18 there beside of Randal.
19 Q. Okay. And do you have any
20 idea why --- why did you open that
21 many?
22 A. It's like the bag --- in
23 looking back now, but at the time
24 it's like you wanted to see the bag,
25 you know, ---

0065

1 Q. Moving.
2 A. --- expanding ---
3 Q. Yes.
4 A. --- and moving and --- which
5 it would only be like seven or eight
6 seconds apart that he would make an
7 attempt to get air. And it's just
8 like it wasn't working good enough,
9 and we would pop another one open and
10 hit the lever and, you know --- and
11 we'd use it.
12 Q. Did it seem like he wanted to
13 take the air? Did it seem like he
14 ---?
15 A. At first, it was just so long
16 between the breaths it just didn't
17 seem like that he was going to take
18 it, be able to take it. But then it
19 got a little bit better. It wasn't
20 as long in between the gasps.
21 Q. It seemed like he was taking
22 the ---
23 A. It seemed like that he was
24 taking it ---
25 Q. --- responding to it?

0066

1 A. --- a little bit better.
2 Yeah, as time went on, it seemed like
3 that he was taking it easier.
4 Q. So then you started
5 transporting him out, carrying him
6 out and you carried him out. And
7 which direction --- which entry did
8 you take him down, the track entry?
9 A. Yes.
10 Q. And did everyone come with you
11 at that time, all the members that
12 were up there ---?
13 A. I don't know.
14 Q. Don't know
15 A. I don't have any idea. I know
16 we carried him by the miner, the
17 continuous miner. I'm not even sure

18 what entry we passed.
19 Q. That's fine.
20 A. But mainly we went down the
21 belt --- the track entry.
22 Q. The track entry. Okay. And
23 then just kind of tell me --- take it
24 from there, what you did.
25 A. From going down the track

0067

1 entry?
2 Q. From going down the track
3 entry, yes, sir.
4 A. The footing was really --- was
5 really tough and, you know, we was
6 scared. I'm sure if I was, everybody
7 else was scared of dropping him. And
8 I mean, I --- I've never, I guess,
9 been pushed to that extreme. It's
10 like you couldn't go another step and
11 you couldn't hold on. And there was
12 a couple people that ended up
13 relieving out and then --- but once
14 you reached a certain point, you'd
15 just go a little bit and then you'd
16 --- your arms was just like rubber.
17 And the footing where they had
18 ballast and the track was up, the
19 footing was uneven and different
20 obstructions. It was just hard to
21 carry --- carry him down through
22 there and worrying about dropping him
23 and we were going as fast as we could
24 just to the mine --- getting him out
25 of there as fast as we could to get

0068

1 him some help.
2 Q. Did you guys keep popping ---
3 opening up SCSRs ---
4 A. No.
5 Q. --- additional ones?
6 A. Once we started from the
7 section out, we used the same SCSR
8 until we got to fresh air and that's
9 where we used the mine rescue
10 apparatuses so we could --- he'd have
11 that constant flow of air ---
12 Q. Okay.
13 A. --- whether he wanted it or
14 not, it was there for him then. We
15 put that on him. And then from
16 there, then we carried him on down to
17 the end of the track at 43 break.
18 Q. When you got in to fresh air
19 and you mentioned that you had put
20 this rescue apparatus on him and you
21 said you thought --- I believe you
22 said that you thought that was Mr.

23 Bennett's apparatus?
24 A. If I'm not mistaken, Jeff
25 Bennett's that's on our State Mine

0069

1 Rescue Team.
2 Q. And were you there whenever
3 they did that?
4 A. Yes. While they were doing
5 that, I was sitting there, you know
6 --- well, actually, I took my face
7 piece off and --- I mean, there was
8 --- you could pour water out of your
9 face piece, but you just --- we was
10 exhausted and they --- as soon as
11 they put that on him, we started on
12 out with him.
13 Q. Okay. And when they put that
14 on him, did they put the full face
15 piece on Mr. McCloy?
16 A. Yes.
17 Q. And strapped it down?
18 A. Yes.
19 Q. And did he seem to respond to
20 that better? Could you tell or ---?
21 A. I don't know that I looked at
22 him to make a statement about that.
23 I'm not sure. I would have to assume
24 that it was much better.
25 Q. Okay. And then after they had

0070

1 had the apparatus on and you carried
2 him down --- did you assist in
3 carrying him down to the mantrip?
4 A. Yes, sir.
5 Q. Okay. And whenever you go to
6 the mantrip, did you put him in head
7 first or feet first? Do you recall?
8 A. I don't recall. There was
9 some others there. I know Eugene
10 ended up riding out in a mantrip. He
11 had got in a mantrip and rode out. I
12 think Jeff Bennett was in the mantrip
13 with him on the end that he was in.
14 I think Jeff was in there with him
15 and I think Eugene was on the other
16 end. I couldn't say. I don't recall
17 that.
18 Q. Sure. I understand. Okay.
19 So then you had him in the mantrip
20 and then the trip left; is that
21 correct?
22 A. Yes.
23 Q. And you stayed in?
24 A. Yes.
25 Q. And at some point then you had

0071

1 --- did you have orders or, what, to

2 come out of the mine?
3 A. I'm not sure who called who.
4 I'm sure the command center called,
5 but I don't know who took the call.
6 I just heard somebody said that they
7 said for us to come out.
8 Q. And that's what you did?
9 A. That's what I did.
10 Q. And did you meet anybody on
11 the way out?
12 A. Yes.
13 Q. And who did you meet?
14 A. He was a crew man that ---
15 it's my understanding that when they
16 left to come in, they thought we had
17 more survivors. And I remember Mr.
18 Toler because I just --- I remember
19 him at the command center sitting
20 there. And at the time, I thought it
21 was his brother that was up there. I
22 later found out it was his uncle.
23 But I can remember him coming in and
24 --- they come in, at that point they
25 still thought that they were alive.

0072

1 And they wanted to know where they
2 was at and we said, you know, that
3 they're dead. And he was saying, oh,
4 God. Oh, God. That's how that those
5 men found out that ---.
6 Q. If we can back up a second,
7 when you came down the fresh air base
8 with Mr. McCloy, did the --- was
9 there anyone down there that thought
10 that there was only one or did they
11 think there was more coming with you
12 or do you recall that, any
13 conversation to that effect?
14 A. See, we never actually went
15 back to the fresh air base. We were
16 at that --- it was fresh air where we
17 dropped that guy off.
18 Q. Yes.
19 A. And I know that the backup
20 team, when they left to come and help
21 us, they thought that they were
22 alive. They ran up. They threw
23 their apparatuses up and ran up all
24 the way to the face. And they
25 thought they were alive. When they

0073

1 ran in there and saw the miners
2 laying there is when they become
3 aware that that wasn't the case.
4 Q. Okay.
5 A. And we were stretched out,
6 going farther than you would normally

7 go. We was trying to drop people off
8 at the radios.
9 Q. But you did have
10 communication, it was just more or
11 less sketchy ---
12 A. Right.
13 Q. --- and so on?
14 A. And I know at one point after
15 making the assessment, I know that I
16 picked the radio up and I hollered
17 back. And I know --- I think Ron had
18 a radio also. But I hollered back
19 over the radio that there's only one.
20 But at the time that would have
21 happened, they had already called for
22 the backup team that we needed help.
23 Q. Okay.
24 A. And they came running up.
25 Q. And ---?

0074

1 A. Once they left the fresh air
2 base coming up, they didn't have any
3 communications. They just come
4 running up to help.
5 Q. Sure, I understand. Whenever
6 you got back to the fresh air base,
7 do you recall any conversation ---
8 and I'm talking at the fresh air base
9 now. Did they realize at that point
10 that there was only one survivor? Or
11 did you hear any conversation of like
12 a surprise or anything like that? Do
13 you recall how that was ---?
14 A. I don't recall anything. Like
15 I say, we came back to where we
16 dropped the one guy off in fresh air.
17 We never went on back over to the
18 actual fresh air base ---
19 Q. Okay.
20 A. --- because we went on down
21 the ---
22 Q. Straight down the track?
23 A. --- straight down the ---
24 yeah.
25 Q. Okay.

0075

1 A. So we never went back to
2 there. And I don't know --- I don't
3 know if they was still over there or
4 if they come over to this point. I
5 don't have any idea.
6 Q. Okay. And when you --- so
7 then on the way out, you met the trip
8 coming in and you said Mr. Toler was
9 --- did you actually speak to him or
10 what was going on there?
11 A. No. They just come --- when

12 the mantrips stopped --- when they
13 got up there, it's like they go off
14 and they was --- they was coming, you
15 know, to help and run up through
16 there. And I'm not sure who said
17 exactly the words that was spoken,
18 but they were told at that point that
19 --- that miners was dead.

20 Q. Okay.

21 A. I don't know what happened at
22 that. I don't know if anybody else
23 ever went back. I mean, I don't
24 know. That's all I know. One thing
25 to mention in there, where the miners

0076

1 was at, there was a piece of curtain
2 that was on up next to the face where
3 somebody had been up there
4 apparently, and then at some point
5 had come back, because they were
6 laying on a piece of mine curtain.
7 And there was a piece of curtain on
8 up inby.

9 Q. Near the face area?

10 A. Yes.

11 Q. And was it --- that curtain
12 was still laying there?

13 A. It's just a small piece, but
14 big enough to lay on.

15 Q. Okay. And what makes you
16 think that one of the guys were
17 laying out there?

18 A. That's just what I had
19 assumed.

20 Q. Oh, okay.

21 A. That there would be no other
22 reason for that curtain to have been
23 laying up there by itself. It's a
24 good bit inby where they were at at
25 this point. So in my mind, somebody

0077

1 at some point had been there ---

2 Q. Yes.

3 A. --- and come back.

4 Q. And then --- so then after Mr.
5 Toler and you had met that trip, then
6 I guess everyone turned and come
7 outside at that point?

8 A. Yes.

9 Q. Okay.

10 A. To the best of my knowledge.

11 Q. Well, you came out anyway?

12 A. Right. Yeah.

13 Q. All right. Okay. And when
14 you got on the surface then, what did
15 you do?

16 A. Well, I got my machine off the

17 ride and walked up the hill there and
18 ended up going down to the truck.
19 And somebody mentioned that --- you
20 know, about the mess up with the
21 communications that the families
22 still thought that they were alive.
23 As bad as everything was -- I mean,
24 I've experienced a lot of things in
25 my life, but I've never --- don't

0078

1 know of anything that's made me feel
2 like that. I felt really bad for the
3 families. And we was told that, you
4 know, that there's a lot of commotion
5 down there. And to be honest, we
6 talked about --- we worried about
7 wondering about leaving the --- you
8 know, I could understand it, you
9 know, the people that was upset. So
10 we were at the mine rescue truck then
11 just talking and I don't know how
12 long we stayed there. And later on
13 up the night, we just went to the
14 room and that's when we become aware
15 of the ---.

16 MR. SWENTOSKY:

17 Mike, do you want to
18 take a break or do you want to
19 ---?

20 MR. RUTLEDGE:

21 Just a couple of quick
22 questions and we should be
23 able to finish up here.

24 MR. SWENTOSKY:

25 Okay.

0079

1 MR. RUTLEDGE:

2 Okay.

3 BY MR. RUTLEDGE:

4 Q. Early on in your testimony,
5 Bill, when you said that you and ---
6 you and Jimmy went into the --- went
7 through the curtains or went through
8 the barricades, you don't recall a
9 curtain in the crosscut. The first
10 curtain that you recall is the
11 diagonal curtain?

12 A. Yeah. If there was one there
13 and there may be --- I mean, they
14 would know at this point, but I don't
15 recall. I remember going through a
16 couple other curtains. I've just
17 never thought about this, but since
18 you brought it up, Mike, I'm not so
19 sure that there wasn't one across the
20 last open break there in Number Four.
21 I do know that I crossed through a

22 couple curtains and there may have
23 been on there when I crossed through
24 when I went back to the power center.
25 I couldn't swear to it, I don't know.

0080

1 Q. But you seem to have a good
2 recollection of seeing Jimmy in front
3 of you pull a curtain, a diagonal
4 curtain, down? Okay. And I realize
5 the stress of the situation and it's
6 been a long time and everything, but
7 best of your knowledge, that curtain
8 was tight against the rib or did he
9 have to pull anything loose at the
10 rib or did it just come open?

11 A. It was --- it seemed to go all
12 the way to the rib, was tied into the
13 rib fairly good. But I mean, Jimmy
14 could better answer that. But I just
15 recall him --- it just seemed like he
16 just jerked it down and there was no
17 --- I don't recall anything if there
18 was anything like a post or anything.

19 Q. Yeah.

20 A. I don't recall anything.

21 Q. Okay. And you stated that you
22 --- you start hollering for help.
23 And the first people that you were
24 hollering for help from was who?

25 A. The other team members.

0081

1 Q. The other team members who had
2 went the opposite direction ---

3 A. They were behind us.

4 Q. Okay. --- when you and Jimmy
5 went up in there?

6 A. Right. And I was just
7 verbally hollering. I didn't have a
8 radio.

9 Q. Right. Also there was ---
10 there was a couple of the miners that
11 were laying down in the intersection
12 or near the intersection or even in
13 the little niche that had been cut
14 out of the crosscut to the left
15 there, out at Number Three. Do you
16 recall any difference in their
17 position or the way they were laying
18 or anything at all?

19 A. I remember the one --- the one
20 guy was kind of like where the niche
21 was at, where they had taken that
22 small cut, the crosscut. There was
23 one guy like being in the middle of
24 it and there was another guy that was
25 right there on the corner, being like

0082

1 the curtain was nailed to that rib,
2 he's right there on the corner. I
3 don't recall any details.
4 Q. Okay. And to the best of your
5 recollection, Mr. McCloy had on
6 rubber boots?
7 A. Yes.
8 Q. Okay. And you said you pulled
9 the laces out and you just tied those
10 laces to the straps that you had cut
11 to tie that to the stretcher?
12 A. To the best of my memory, yes.
13 I didn't want--- nothing was long
14 enough. I can't recall exactly that
15 we tied a couple straps together or
16 --- but I remember tying the boot
17 lace to a strap.
18 Q. And on the way out, you didn't
19 switch rescuers, you kept that same
20 one on Mr. McCloy all the time he was
21 being carried out.
22 A. To the best of my memory and I
23 wouldn't --- I wouldn't swear to it.
24 Like I said, Jimmy was holding it in
25 his mouth, and what time it took us

0083

1 to get from the time we started to
2 the time that we got to fresh air, it
3 wouldn't have required us to change
4 one.
5 Q. Right.
6 A. We would have plenty of time.
7 I don't recall if we switched one
8 out. Best of my memory, once we
9 started out, that's the one we used
10 'til we got to fresh air.
11 Q. And when you got to that Two
12 Left switch back to fresh air, you
13 believe that Jeff Bennett's mine
14 rescue apparatus was put on Mr.
15 McCloy?
16 A. And that's secondhand
17 information. I don't --- I just
18 recall them putting the apparatus on
19 him and I know Jeff was there. Which
20 Jeff can answer that if that did, in
21 fact, happen. We put an apparatus on
22 him. It's my understanding it was
23 Jeff's.
24 Q. Do you recall ---?
25 A. I know Jeff was there when we

0084

1 did it because he assisted in
2 carrying him out.
3 Q. Do you remember if that was a
4 BG-4?
5 A. A BG-4.

6 Q. Okay. Which you ---?
7 A. Which we have.
8 Q. You do remember that it was a
9 BG-4 and that would have been a
10 positive pressure apparatus?
11 A. Yes.
12 Q. One last question here. You
13 stated that after the mantrip had
14 left with Mr. McCloy and everybody
15 was on their way outside that you met
16 another trip coming in.
17 A. Mike, I'm not 100 percent sure
18 if we had actually left or if they
19 got there at the end of the track
20 before we started out. But that's
21 when the crew of men that had left
22 outside to come in to help. I know
23 that when they took Randal out, they
24 switched out with that trip. I think
25 we were still sitting there at the

0085

1 end of the track when they got there.

2 Q. Okay.

3 A. And that's when they ---
4 that's when the comment was made and
5 they become aware that there was no
6 other survivors.

7 Q. Okay. And you think one of
8 those men of that crew was Jeff
9 Toler?

10 A. Yes, it was.

11 Q. Okay.

12 MR. RUTLEDGE:

13 That's all I have.

14 BY MR. SWENTOSKY:

15 Q. Okay. Did you ever inspect
16 the Sago Mine?

17 A. No, sir, that's out of our
18 region.

19 Q. Okay.

20 A. Or not out of region, I should
21 say.

22 Q. Okay.

23 MR. SWENTOSKY:

24 Do you want to take a
25 break or ---?

0086

1 MR. RUTLEDGE:

2 Just a real, real short
3 break.

4 OFF RECORD DISCUSSION

5 BY MR. RUTLEDGE:

6 Q. Bill, one final question. You
7 stated at one point when you were in,
8 in the face of Three, that you picked
9 up a radio, okay, and that you called
10 out, that there's only one or there's

11 only one alive. Did anybody respond
12 to that?
13 A. To the best of my memory, I
14 could hear Ron hollering. Ron
15 Hixson, because he had hollered about
16 the stretcher, about needing the
17 stretcher. And to the best of my
18 knowledge, I think it was Ron Hixson.
19 Q. Okay. But you picked up the
20 radio ---
21 A. When I hollered.
22 Q. --- and you transmitted on the
23 radio that there's only one. There's
24 only one alive. I don't recall
25 exactly what you said.

0087

1 A. There's only one.
2 Q. Okay. Did somebody get on the
3 radio and call you back and say,
4 okay, or yes, I heard you or ---?
5 A. I don't recall that on the
6 radio. I can remember hearing Ron.
7 In my mind, I can hear Ron hollering.
8 I don't know if it was over the radio
9 or that he was hollering at somebody
10 else where we were kind of spread out
11 about bringing the stretcher or one
12 stretcher. But as far as being able
13 to remember, Mike, as far as if
14 somebody responded, what I can recall
15 on the radio is when I came back by,
16 I saw the radio laying there. And I
17 picked it up and hollered we only
18 have one. That's all I can remember
19 saying. And I laid the radio down
20 and went on back to help with Randal.
21 But I'm not sure if somebody
22 responded. I couldn't swear to it.
23 Q. Okay.
24 MR. RUTLEDGE:
25 That's all.

0088

1 MR. SWENTOSKY:
2 Thanks. On behalf of
3 MSHA, I would like to thank
4 you for appearing and
5 answering questions today.
6 Your cooperation is very
7 important to the investigation
8 as we work to determine the
9 cause of the accident.
10 We ask that you not
11 discuss your testimony with
12 any person who may have
13 already been interviewed, or
14 who may be interviewed in the
15 future. This will ensure that

16 we obtain everyone's
17 independent recollection of
18 the events surrounding the
19 accident.
20 After questioning other
21 witnesses, we may call you if
22 we have any follow-up
23 questions that we feel that we
24 need to ask you. If at any
25 time you have any additional

0089

1 information regarding the
2 accident that you would like
3 to provide to us, please
4 contact us at the contact
5 information that was
6 previously provided to you.
7 If you wish, you may
8 now go back over any answer
9 that you have given during
10 this interview, and you may
11 also make a statement that
12 you would like at this time.
13 Do you have anything else,
14 Bill?

15 A. No, sir.

16 MR. SWENTOSKY:

17 Thanks for coming in.
18 We appreciate your testimony.

19 * * * * *

20 SWORN STATEMENT CONCLUDED

21 AT 1:14 P.M.

22 * * * * *

23

24

25