

State of West Virginia
Office of Miners' Health, Safety & Training
891 Stewart Street
Welch, West Virginia 24801

October 30, 2006

Fatal Haulage Accident
(Underground Coal Mine)

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

Region 2
Fred B. Stinson, Inspector-at-Large

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**FATAL HAULAGE ACCIDENT
DOUBLE BONUS COAL COMPANY
NO. 65 MINE
PERMIT NO. U-4002-02**

General Information

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

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

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

Description

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

On Monday, October 30, 2006, the day shift crew under the direction of Troy Hill, Section Foreman, entered the mine at approximately 5:00 a.m. Upon arriving on the First Right section at approximately 5:15 a.m., Mr. Hill gave job assignments to the crewmembers. A section and conveyor belt move had been started on a previous shift, and Mr. Hill directed crew members to move trailing cables, cable anchors, set the conveyor belt feeder in the No. 4 entry and supply the roof bolt machines while Charles D. Williams and David Lane along with other electricians completed installing a conveyor belt drive one break outby the section conveyor belt feeder.

At approximately 6:45 a.m. Chris Mullens, Continuous Miner Operator, and Brett Gibson, Shuttle Car Operator, began mining on the left side of the section in the No. 3 entry working face while the other crewmembers continued the move work on the right side of the section. After loading and dumping the first shuttle car, Charles Williams, Chief Electrician, stated that Mr. Gibson came to him at the conveyor belt drive telling him the tram controls were sticking. Mr. Williams then directed David Lane, an Apprentice Electrician, to get his tools and spray lubricant and help Mr. Gibson make the needed repairs to the tram controls. While Mr. Lane went for his tools, Mr. Gibson trammed the shuttle car back to the No. 3 working face for his second shuttle carload of coal. Upon returning to the conveyor belt feeder, Mr. Gibson dumped the second shuttle car of coal while Mr. Lane waited in the No. 3 entry crosscut. After dumping the shuttle car of coal, Mr. Gibson moved the shuttle car a short distance in the No. 3 to No. 4 crosscut off the section dumping point where he and Mr. Lane began to clean loose coal from the deck of the shuttle car and lubricate the tram pedals. Without warning, the shuttle car began to tram forward catching Mr. Gibson against the coal rib and pulling Mr. Lane along the coal rib into the No. 3 entry crosscut where Mr. Lane fell away from the shuttle car. The shuttle car continued to tram forward making a left turn one break outby striking the section power center and knocking the shuttle car breaker.

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

Findings of Facts

1. Brett Gibson, victim, and David lane, injured, were caught between the Joy 21 shuttle car, Serial Number ET17407, and the coal rib near the belt dumping point on the First Right section.
2. Brett Gibson, victim, and David Lane, injured, had positioned themselves outside the operator's deck of the Joy 21 shuttle car, Serial Number ET17407, with the shuttle car control switch in the run (On) position.
3. Brett Gibson, victim, and David Lane, injured, were in the process of cleaning loose coal from the operator's deck of the Joy 21 shuttle car, Serial Number ET17407, when the accident occurred.
4. According to statements given during the investigation of this accident, the tram control of the Joy 21 shuttle car, Serial Number ET17407 was sticking when the first shuttle car was loaded during this shift.

5. According to statements given during this investigation, the section conveyor belt feeder, the section conveyor belt, and the conveyor belt drive one break outby were operating at the time of the accident.
6. According to statements given during this investigation, the tram controls for the Joy 21 shuttle car, Serial Number ET17407 would stick at least two times a week and loose coal would have to be cleaned from the operator's deck to free up the tram lever.
7. According to statements given during this investigation, spray lubricants were used to lubricate the tram pedals of the Joy 21 shuttle car, Serial Number ET17407 after they began to stick in place.
8. Brett Gibson received annual refresher training on June 17, 2006.
9. David Lane received new task, experienced, and hazard training on September 18, 2006.
10. On October 31, 2006, M.S.H.A. Tech Support representatives and West Virginia Office of Miners' Health, Safety and Training representatives inspected and tested the Joy 21 shuttle car, Serial Number ET17407 and found no deficiencies or violations.
11. On November 6, 2006, Joy Mining Machinery representatives and engineers, accompanied by West Virginia Office of Miners' Health Safety and Training representatives, inspected and tested the Joy 21 shuttle car, Serial Number ET17407 and found no deficiencies or violations.

Conclusion

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

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

Recommendations

1. Equipment operators shall not leave the equipment operating deck with the equipment running.
2. The shuttle cars shall be de-energized prior to performing any repair or maintenance; this includes cleaning out the operator's deck.

3. The operating decks of the shuttle cars shall be cleaned and linkages greased prior to being placed into production on each shift.
4. Shuttle car decks shall be kept free of excessive accumulations of coal/coal dust which interfere with the operating controls.

Enforcement Action

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

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

Violation Number One: 36-18-4.1

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

Violation Number Two: 36-30-4.4 and 4.5

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

Acknowledgment

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

Respectfully submitted:

Terry Farley, Administrator of Enforcement

Date

Fred B. Stinson, Inspector-at-Large

Date

Donald L. Dickerson, Assistant Inspector-at-Large

Date

Bobby J. Thornsbury, Electrical Inspector

Date

William R. Lawson, Electrical Inspector

Date

Paul D. Smith, District Inspector

Date

Greg J. Norman, District Inspector

Date

Appendix

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

Mine Information

COMPANY NAME Double Bonus Coal Company

MINE NAME No. 65

WV PERMIT S-4002-02 MSHA PERMIT NO. 46-09020

ADDRESS P.O. Box 414, Pineville, WV 24874

COUNTY Wyoming PHONE NUMBER 732-6638

DATE PERMIT ISSUED June 23, 2004

WORKING STATUS Active

LOCATION Near Pineville, Wyoming County

UNION Yes NON-UNION _____

DAILY PRODUCTION 4,200 Tons

ANNUAL PRODUCTION TO DATE 897,791

TOTAL EMPLOYEES 63

NUMBER OF SHIFTS 3

NAME OF COAL BED Fire Creek

SEAM THICKNESS 36 Inches

ACCIDENT INCIDENT RATE 2.0 LOST TIME ACCIDENTS 3

TYPE OF HAULAGE Conveyor

WVOMHST INSPECTOR Paul Smith

DATE OF LAST INSPECTION September 12, 2006

NOTIFIED BY Kenneth Lambert

TIME OF NOTIFICATION 7:44 A.M.

CMSP – ANNIVERSARY DATE June 1, 2007

CMSP – CONTACT PERSON Kenneth Lambert

Investigation/Interviews

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

WV Office of Miners' Health, Safety and Training

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

Mine Safety and Health Administration

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

Double Bonus Coal Company

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

United Mine Workers of America

Gary Trout	International Representative
Joe Carter	District 17 President
Jerry Massie	District Representative

The following persons were present during investigative interviews conducted on October 31, 2006, at the Pineville, West Virginia, M.S.H.A.'s office.

WV Office of Miners' Health, Safety and Training

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

Mine Safety and Health Administration

James R. Humphrey	Accident Investigator
Marty Carver	Accident Investigator

Double Bonus Coal Company

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

*Denotes Persons Interviewed

United Mine Workers of America

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

WV Office of Miners' Health, Safety and Training

Bob Thornsbury	Electrical Inspector
Bill Lawson	Electrical Inspector

Mine Safety and Health Administration

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

Double Bonus Coal Company

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

United Mine Workers of America

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

WV Office of Miners' Health, Safety and Training

Paul Smith	District Inspector
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Mine Safety and Health Administration

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

Double Bonus Coal Company

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

*Denotes Person Interviewed

United Mine Workers of America

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

WV Office of Miners' Health, Safety and Training

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

Mine Safety and Health Administration

James R. Humphrey	Accident Investigator
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Double Bonus Coal Company

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

Joy Mining Machinery

Lawrence J. Lepidi	Director of Law and Government Affairs
Ronald Dickey	Engineering Supervisor
Doug Anderson	Technical Engineer
Lloyd Fox	Field Representative

The following persons were present during investigative interviews conducted on November 14, 2006, at Charleston Area Medical Center.

WV Office of Miners' Health, Safety and Training

Donald L. Dickerson

Assistant Inspector-at-Large

Mine Safety and Health Administration

James R. Humphrey
Marty Carver

Accident Investigator
Accident Investigator

Double Bonus Coal Company

Patrick Graham
*David P. Lane

Safety Director
Day Shift Trainee Electrician

*Denotes Person Interviewed