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**West Virginia Office of Miners' Health, Safety and Training**

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**April 18, 2014**

**Report of a River Dock Fatality  
Allied Barton Security, Permit Number C00002481  
Contractor for  
Law River Co. LLC  
Crown Hill Dock  
Permit Number L00000801**

**Region IV Office  
550 Industrial Drive  
Oak Hill, West Virginia 25901  
McKennis Browning, Inspector-at-Large**

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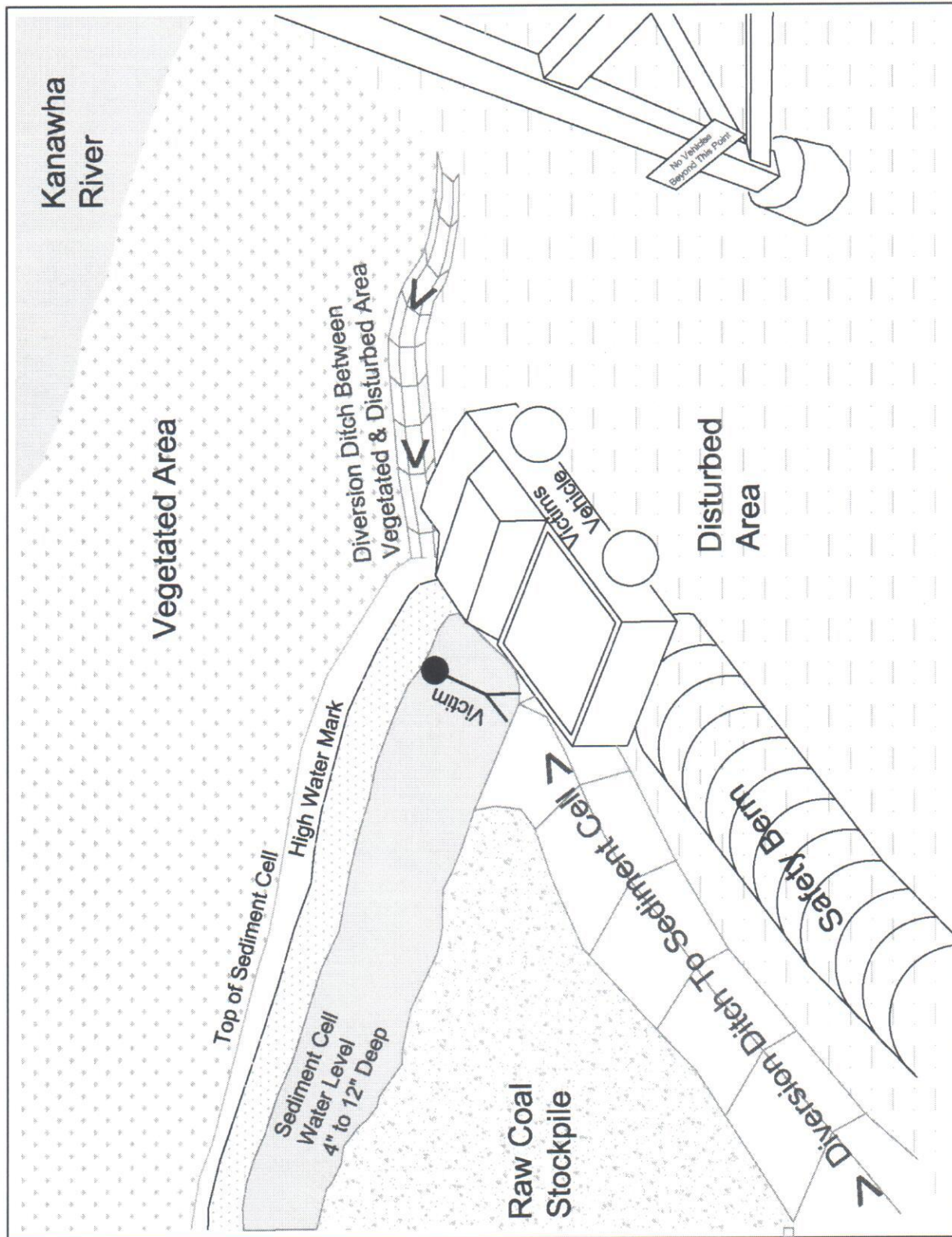
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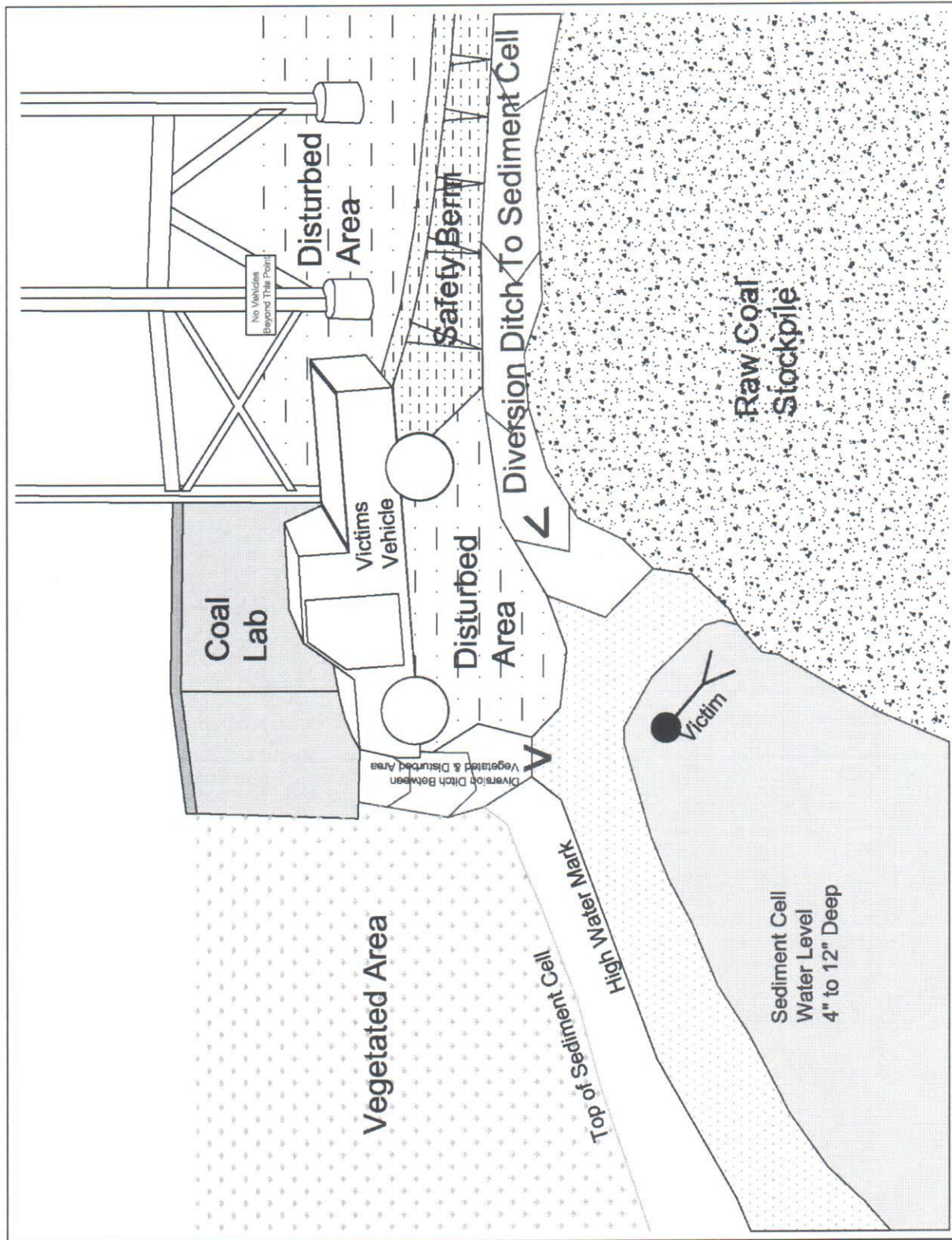
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SKETCHES









**REPORT OF A RIVER DOCK FATALITY**

Allied Barton Security C00002481

Contractor for

Law River Co. LLC Crown Hill Dock

PERMIT NO. L00000801

**GENERAL INFORMATION**

A fatal accident occurred on April 18, 2014 at the Law River Co., LLC, Crown Hill Dock located at Crown Hill in Kanawha County, West Virginia. The exact time of the accident and death could not be determined because the victim was the only person present on the property and there was no contact with the victim from approximately 4:30 p.m. on April 17, 2014 (when he reported for work) until approximately 5:20 a.m. April 18, 2014 (when his body was discovered). The accident occurred on an access road leading to the coal sampling room area located at the river dock. Tommy E. Reynolds, 58-year-old Security Officer, had apparently driven his 2009 Ford Ranger pickup truck onto the top of the sediment control pond berm where the truck became stranded. Based on evidence obtained and observations made during the investigation, Mr. Reynolds exited the stranded vehicle and fell into the sediment pond located on the left side of the truck and drowned. Upon discovery of Mr. Reynolds' body, Orville Ayers an employee for Crown Hill Dock notified the WV Department of Homeland Security and Emergency Management at 5:25 a.m. McKennis Browning of the WV Office of Miners' Health, Safety and Training was notified at 5:38 a.m. by WV Department of Homeland Security and Emergency Management that a serious accident had occurred.

Gene Stewart, Mike Malcomb, McKennis Browning, Steve Lafferty as well as the director, Mr. Eugene White, of the West Virginia Office of Miners' Health, Safety and Training responded to the scene of the accident. A joint investigation with the Mine Safety and Health Administration, the Kanawha County Sheriff's Department, and Management started immediately.

**DESCRIPTION**

The Law River Co., LLC, Crown Hill Dock is a coal river dock located adjacent to the Kanawha River. The Crown Hill Dock's normal hours of operation are M-F 5:30 a.m. to 5:00 p.m. The Crown Hill Dock is normally closed on weekends. Crown Hill Dock began operation on March 20, 2002 as a coal handling facility and has six (6) employees. Coal is brought in by trucks from various mines and loaded on river barges. Allied Barton Security is contracted by Law River Co., LLC to provide security at their river dock facility. Allied Barton Security employs 233 individuals working at various locations throughout West Virginia. Allied Barton Security has three (3) employees assigned to the Law River Co., LLC, Crown Hill Dock facility and they provide security for Crown Hill Dock anytime the facility is not in operation. These employees work various hours; normally totaling thirty-six (36) hours per week, over a seven (7) day work week.

Upon information and belief, on Thursday, April 17, 2014, Tommy E. Reynolds started to work at approximately 4:30 p.m. Mr. Reynolds movements and whereabouts in the hours subsequent

to his starting time are unknown. On the morning of Friday, April 18, 2014, at approximately 5:15 a.m., Orville Ayers, an employee of Law River Co., LLC, Crown Hill Dock, arrived and unlocked the gate to the Crown Hill Dock entrance.

Mr. Ayers stated that Mr. Reynolds' vehicle typically was in the area of the entrance gate upon his arrival, but on this day it was not in its usual location. Mr. Ayers proceeded to drive towards the river dock area where he observed Mr. Reynolds' vehicle parked on top of the berm located at the end of the sediment control pond nearest the tipple.

Mr. Ayers approached the passenger side of Mr. Reynolds' vehicle on foot when he noticed that the vehicle was running with the transmission in drive, lights on and the driver's side door open towards and out over the sediment control pond. Mr. Ayers stated that he saw no one in the vehicle. He walked towards the front of the vehicle and proceeded to walk to the rear of the vehicle, he stepped up onto the berm of the sediment control pond shining his flashlight toward the pond. He then saw Mr. Reynolds face down in the sediment control pond.

Mr. Ayers immediately called 911 and waited until the ambulance arrived. The Kanawha Ambulance service arrived just prior to the arrival of Frank Linville, Crown Hill Dock Superintendent, at 5:38 a.m. Mr. Linville talked to Mr. Ayers then traveled to the shop and notified MSHA. He then traveled back to the accident area at approximately 5:45 a.m. and saw the Kanawha County Sheriff's Department. The East Bank Volunteer Fire Department arrived at 5:50 a.m. and retrieved Mr. Reynolds' body. The Chief Medical Examiner later determined the time of death was 5:40 a.m.

The Chief Medical Examiner concluded that the cause of death was un-witnessed drowning. The Chief Medical Examiner also found that Mr. Reynolds had a blood alcohol content of 0.27% at the time he died.



## FINDINGS OF FACT

1. Tommy E. Reynolds, Security Officer, died as a result of drowning in a sediment pond located on the Law River Co. LLC, Crown Hill Dock Property. From the investigation, it appears that Mr. Reynolds drove his 2009 Ford Ranger pickup truck onto the berm of the sediment control pond at the end nearest the Law River Dock tipple (downstream side) and the vehicle became stranded.
2. Mr. Reynolds' 2009 Ford Ranger truck was straddling the berm near the end of the sediment control pond, and near the Law River Dock tipple and sampling room. The vehicle was discovered with the driver side door open and extending out over the sediment control pond. The engine was also running and the vehicle was in drive with the headlights burning.
3. An empty bottle (approx. 4/5 qt.) of whiskey was found in the cab of the truck by the Kanawha County Sheriff's Department.
4. The Office of the Chief Medical Examiner found that Mr. Reynold's blood alcohol content was 0.27 % at the time of his death.
5. The Chief Medical Examiner concluded that the immediate cause of death was un-witnessed drowning.
6. Mr. Reynolds' body was found face down in the sediment control pond.
7. The sediment control pond was constructed to an average depth of eight (8) feet was approximately two hundred thirty three (233) feet long, and fifteen (15) feet wide. On June 12, 2014, the measured water depth was four (4) to twelve (12) inches. The sediment control pond had been cleaned prior to the accident.

## CONCLUSION

Tommy E. Reynolds died as a result of drowning in a sediment pond while under the influence of alcohol. It appears that Mr. Reynolds drove his Ford Ranger onto a berm adjacent to the sediment pond. The truck became stuck and when Mr. Reynolds exited his vehicle he lost his balance and fell into the pond. He was subsequently discovered face down in the water.

## ENFORCEMENT ACTION

A non-assessed control order was issued in accordance with Title 56, Series 3, and Section 51.1 of the WV Surface Mine Regulations. There were no other notices of violation issued as a result of this accident.

## RECOMMENDATIONS

In accordance with Title 56, Series 8, Section 9.4, Allied Barton Security shall modify their Comprehensive Mine Safety Program to include, but not be limited to the following:

1. Allied Barton Security shall provide telephone, radio or other means of communications to security officers while on duty at all times.
2. Allied Barton Security shall institute a mandatory check-in system for security officers. The security officer will be provided with a telephone number to call at the beginning of their shift, mid-way into his/her shift, or anytime a security officer deems necessary. The check-in number will vary depending on the site and will be addressed in each location's post orders.
3. Each check-in will be logged, both at the transmitting and receiving locations. The log notation will be made on the security officer's daily activity report. If a check-in is not initiated at the designated time, the receiving location will contact the Allied Barton Security supervisor on duty to report the incident. That supervisor shall immediately investigate and take all necessary steps to insure the well being of the security officer.
4. Each security officer relieving another security officer at shift change, if applicable, shall make verbal and visual contact with the security officer being relieved.
5. Allied Barton employees will be instructed in these procedures as they are hired, during annual retraining, or return to work.



## ACKNOWLEDGMENT

The West Virginia Office of Miners' Health, Safety and Training gratefully acknowledges the co-operation of the employees and management of Law River Co., LLC, Crown Hill Dock, Allied Barton Security, Kanawha County Sheriffs' Department, and the Mine Safety and Health Administration during this investigation.

## APPENDIX

- Contractor Information Sheet
- Mine Information Sheet
- Victim Information

### CONTRACTOR INFORMATION

CONTRACTOR: Allied Barton Security

WV PERMIT: C-00002481 MSHA PERMIT NO.: J1M

MAILING ADDRESS: 200 Fleet Street, Suite 200, Pittsburg PA 15220

COUNTY: Kanawha PHONE NUMBER: 1-412-258-1667

TYPE OF WORK PERFORMED: Security

WORKING STATUS: Active

LOCATION: Various Mine Sites

UNION: \_\_\_\_\_ NON-UNION: Yes

TOTAL EMPLOYEES: 233 in West Virginia

NUMBER OF SHIFTS: 3

ACCIDENT FREQUENCY RATE: 0 LOST TIME ACCIDENTS: 0

WVOMHST INSPECTOR: Mike Malcomb

DATE OF LAST INSPECTION: N/A

CMSP – ANNIVERSARY DATE: 11/30/14

CMSP – CONTACT PERSON: Brian Biesenkamp



**MINE INFORMATION**

COMPANY: Law River Co., LLC

MINE NAME: Crown Hill Dock

WV PERMIT: L-00000801

ADDRESS: P. O. Box 190, Hansford, WV 25103

COUNTY: Kanawha

DATE PERMIT ISSUED: 3/20/02 WORKING: Yes

LOCATION: West Virginia, Kanawha County, Crown Hill

UNION: \_\_\_\_\_ NON-UNION: Yes

DAILY PRODUCTION: 2,000 tons

ANNUAL PRODUCTION TO DATE: 147,635

TOTAL EMPLOYEES: 6 NUMBER OF SHIFTS: 1

NAME OF COAL BED: N/A

SEAM THICKNESS: N/A

ACCIDENT INCIDENT RATE: 0 LOST TIME ACCIDENTS: 0

TYPE OF HAULAGE: N/A

WV OMHS&T INSPECTOR: Mike Malcomb

DATE OF LAST INSPECTION: 3/10/14

NOTIFIED BY: Homeland Security

TIME OF NOTIFICATION: 5:38 a.m.

CMSP – ANNIVERSARY DATE: 4/19/15