

West Virginia Office of Miners' Health, Safety and Training

FEBRUARY 23, 2017

**Report of Fatal Investigation
Roof Fall / Crushing**

**CK Coal Corporation / Mine No. 5
Permit Number U00503108**

**Region III
137 Peach Court, Suite 2
Danville, West Virginia 25053
John Kinder, Inspector-at-Large**

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Time Line

February 23, 2017

- 3:00 p.m. - Evening shift crew enters coal mine.
- 9:30 p.m. – Accident occurs.
- 9:30 p.m. – Mark Morrison (dispatcher) called 911.
- 9:31 p.m. – Stat Ambulance in route.
- 9:35 p.m. – Mark Morrison (dispatcher) notified John Sheppard (superintendent).
- 9:43 p.m. – Injured being transported to surface.
- 9:57 p.m. – Injured arrives on surface.
- 10:00 p.m. – John Sheppard arrived at mine.
- 10:12 p.m. – Stat Ambulance Service transports injured to landing zone.
- 10:30 p.m. – John Sheppard (superintendent) Travels to No. 1 Section No. 3 entry accident area.
- 10:32 p.m. – Stat Ambulance Service arrives at landing zone.
- 11:00 p.m. – Midnight (3rd) shift begins work.
- 11:10 p.m. – Air EVAC transports injured to Pikeville Medical Center.
- 11:27 p.m. – Air EVAC arrives at Pikeville Medical Center.

February 24, 2017

- 3:25 a.m. – Approximate time Danny Robinette obtained information from Doctor that things are bad.
- 3:30 a.m. – Danny Robinette called John Sheppard and directed him to go to the mine
- 4:00 a.m. – John Sheppard arrived at mine.
- 4:30 a. m – Approximate time Danny Robinette arrived at mine.
- 4:34 a.m. – Mine Industrial Accident Operation Center notified.
- 5:05 a.m. – West Virginia Office of Miners' Health Safety and Training Region 3 notified.
- 5:15 a.m. – Verbal control order issued by Assistant Inspector-at-Large, Wayne Pauley.
- 5:25 a.m. – Assistant Inspector-at-Large, Wayne Pauley notifies, Roof Control inspector, Randy Carter and District inspector, Daniel Perry.
- 6:45 a.m. – Randy Carter and Daniel Perry arrived at CK Coal Mine No. 5.

Report of Investigation

**CK Coal Corporation
Mine No. 5
Permit Number U00503108**

General Information

This report is based on an investigation conducted in accordance with Chapter 22A Article 1 Section 14 of the Mining Laws of the State of West Virginia.

Dennis J. Fillinger (section foreman) an employee of CK Coal Corporation, Mine No. 5 (CK Coal Corp.) was injured as he was in the process of measuring the depth of a mining cut with a laser range meter in the No. 3 entry of the No. 1 working section when he was struck by two (2) pieces of rock that fell from the mine roof at 9:30 p.m. on February 23, 2017. Mr. Fillinger died of complications on April 6, 2017.

On February 24, 2017 at 4:34 a.m. the Mine and Industrial Accident Emergency Operations Center (MIAEOC) was notified by CK Coal, John Sheppard (superintendent) of the accident. The West Virginia Office of Miners' Health, Safety and Training (WVOMHST), Region 3 Office, was notified of the accident by the MIAEOC at 5:05 a.m. A joint investigation with the Mine Safety and Health Administration along with management began immediately.

Description

CK Coal Mine No. 5 is located approximately 15 miles south of Logan, WV off US 119 Upper Sheppardtwn Road, Mingo County, West Virginia. The CK Coal Corp. Mine No. 5 operates three (3) eight and half (8 1/2) hour shifts and has forty-five (45) employees. The coal bed is the Dorothy seam. The average mining height is nine (9) feet. Battery powered track equipment and battery powered rubber tired vehicles are used to transport supplies and mine personnel. Mr.

Fillinger began employment with CK Coal Corp. Mine No. 5 on December 14, 2016. Mr. Fillinger had 40 years mining experience.

On February 24, 2017 at 4:34 a.m. the MIAEOC was notified of an accident that occurred on February 23, 2017 at the CK Coal Mine No. 5. The MIAEOC notified WVOMHST at 5:05 a.m. At approximately 5:25 a.m. Roof Control Inspector, Randy Carter, and District Inspector, Daniel Perry, were notified by Assistant Inspector-at-Large, Wayne Pauley to go to CK Coal Corporation Mine No. 5 where a joint investigation along with Mine Safety and Health Administration and CK Coal management began immediately.

On February 23, 2017, at approximately 3:00 p.m. Mr. Fillinger and the second shift crew proceeded to the No. 1 section. Prior to the accident, Shawn Kiser (continuous miner operator) had finished mining the No. 3 face and then proceeded to go into the No. 2 crosscut. Mr. Kiser, Thomas Simpkins (Roof Bolter Operator), and Jason Cantrell (Shuttle Car Operator) were talking and changing out bits on the continuous miner. Andrew Glycadgis (Shuttle Car Operator and EMT) stated he was standing beside Mr. Fillinger when he was taking a laser measurement with a laser range meter of the No. 3 mining cut in by the last open crosscut when the accident occurred. Mr. Glycadgis heard the top pop and saw the rock start to fall and gave warning to Mr. Fillinger to watch out. Mr. Glycadgis stated he tripped and fell, then turned and observed Mr. Fillinger lying on the mine floor with two (2) rocks on top of Mr. Fillinger. Testimony was given stating that the smaller rock was approximately two feet (2) long by two feet (2) wide and two inches (2) thick and was lying on Mr. Fillinger's upper body. Gordon Mills (Shuttle Car Operator), who was walking up No. 3 entry to assist with moving the continuous miner, witnessed the rocks fall and strike Mr. Fillinger. Mr. Mills and Mr. Glycadgis removed the rocks from Mr. Fillinger. A slate bar was used by Mr. Simpkins to lift the lower rock up and crew members drug Mr. Fillinger from under the rock. According to testimony given the larger rock was estimated to be approximately five feet (5) long by three feet (3) wide and four inches (4) thick. Mr. Cantrell went for help and located Mark Blackburn (Shift Foreman) who is also an EMT and was located at the No. 4 Belt head. Mr. Blackburn went immediately to Mr. Fillinger. Mr. Fillinger was conscious and responsive. Mr. Blackburn asked him where he was hurting. Mr. Fillinger complained he was hurting in his chest. Mr. Blackburn sent for first aid supplies. Mr. Fillinger was able to move his neck and legs. A cervical collar was placed on Mr. Fillinger. Mr. Blackburn then asked Mr. Fillinger to take a deep breath and he was rolled over on his left side so a backboard could be placed under him. Mr. Fillinger was strapped to the backboard and carried from the No. 3 entry last open cross cut to the end of the track located approximately eight (8) to nine (9) crosscuts outby. Mr.

Fillinger requested that the cervical collar be removed because he was having trouble breathing. The cervical collar was removed and oxygen was administered. Mr. Fillinger was placed on a flatcar by Mr. Blackburn and part of the evening shift crew and was transported by a track locomotive pushing the flatcar to the surface. Mr. Blackburn operated the locomotive while Raymond Johnson, Gordon Mills, Steve Midkiff and Jason Cantrell attended to Mr. Fillinger. Records show the crew left the section with Mr. Fillinger at 9:43 p.m. and arrived on the surface at 9:57 p.m. Mr. Blackburn instructed Mr. Glycadgis to take charge of the remaining crew and to stay away from the accident area. Mr. Glycadgis, Mr. Kiser, Mr. Simpkins Mr. Starr and Mr. Whisman remained on the section only performing work on the right side of the section.

Mark Morrison (dispatcher) notified Mr. Sheppard at 9:35 p.m. about the accident. Mr. Sheppard arrived at the mine at 10:00 p.m. and went underground to the accident area. Mr. Sheppard noted the rocks on the mine floor but did not take photos or measurements. After transporting Mr. Fillinger to the surface, Mr. Mills, Mr. Johnson and Mr. Midkiff returned to the No. 1 section. According to testimony given Mr. Mills and Mr. Glycadgis returned to the No. 3 entry and hung reflectors around the accident area. The evening shift crew then went to the end of the track to await on the third (3rd) shift crew. Mr. Fillinger was transported by Stat Ambulance Service to a helicopter landing zone on US Route 119 near the Route 52 exit. An Air EVAC flight nurse sedated Mr. Fillinger and utilized an Ambu Respiratory Bag to assist him with breathing and then he was air lifted to Pikeville Medical Center.

On February 23, 2017, the third (3rd) shift crew began work at 11:00 p.m. Mr. Sheppard met the third (3rd) crew and Matthew Sheppard (shift foreman and brother) on the section and told them to treat it as a normal night. Matthew Sheppard instructed the belt move crew to prepare the section for the day shift production crew. This consisted of bolting unsupported top, cleaning, rock dusting and advancing the conveyor belt two cross cuts. On February 24, 2017 as part of this work the accident area was bolted, the rocks were removed and the area was rock dusted before WVOMHST arrived.

On April 6, 2017 Mr. Fillinger died due to complications.

Findings of Fact

1. Mr. Fillinger received a West Virginia Mine Foreman certification on June 5, 1991.
2. Mr. Fillinger had forty (40) years of mining experience.
3. Mr. Fillinger began employment with CK Coal Corporation Mine No. 5 on December 14, 2016.

4. Mr. Fillinger was measuring the depth No. 3 mining cut with a laser range meter in by the last open cross cut at the time of the accident.
5. The accident occurred on the No. 1 active working section in the No. 3 entry one break in by spad 804
6. The No. 3 mining cut depth was thirty- five (35) feet.
7. The area where the accident occurred was bolted with 48 inch fully grouted resin bolts.
8. The seam being mined was the Dorothy coal seam and mining height is approximately nine (9) feet.
9. According to witnesses' testimony, the dimensions of the two pieces of rock that struck Mr. Fillinger were two (2) feet long by two (2) feet wide and two (2) inches thick and the other five (5) feet long by three (3) feet wide and four (4) inches thick.
10. The width of the No.3 entry where the accident occurred was nineteen (19) feet wide.
11. The day shift crew was scaling the mine roof in the No. 3 entry according to the preshift books.
12. The accident occurred on February 23, 2017 at 9:30 p.m. CK Coal Corp. notified MIAEOC of the accident on February 24, 2017 at 4:34 a.m., slightly over seven (7) hours after the accident occurred. CK Coal Corp. failed to timely report the accident to the Mine Industrial Accident Emergency Operations Center.
13. CK Coal Corp. altered the accident area by bolting, cleaning, and rock dusting before an investigation was conducted by the West Virginia Office of Miners' Health Safety & Training.

Conclusion

On February 23, 2017 at 9:30 p.m. coal was being mined on the evening shift at CK Coal Corporation No.5 Mine. Dennis J. Fillinger (section foreman) received injuries when 2 rocks fell from the mine roof. Dennis J. Fillinger died April 6, 2017 from complications.

Enforcement Action

- A non-assessed control order was issued in accordance with Title 36 Series 19 Section 7.1 of the West Virginia Mining Laws to preserve the scene of the accident and to complete an investigation.
- One special assessment and three regular assessed violations were issued as a result of the investigation of this accident.

(1). Chapter 22A Article 2 Section 66(c) - (Special Assessment)

It is the duty of the mine operator or the mine foreman in charge of the mine to give notice, within 15 minutes of ascertaining the occurrence of an accident, to the Mine and Industrial Emergency Operation Center. On February 23, 2017, at approximately 9:30 p.m. a serious accident occurred to an employee on the No. 1 section when two large rocks fell from the roof striking the employee. The injured employee was flown to Pikeville Medical Center by Air Evac. The mine operator was at Pikeville Medical Center when the doctors at the medical center informed him, at approximately 3:00 a.m. on February 24, 2017, that the injured employee was in serious condition. The Mine Emergency Operations Center was not notified until 4:34 am on February 24, 2017.

(1). Chapter 22A Article 2 Section 25(a)

The roof and ribs of all active underground roadways, travelways and working places shall be supported or otherwise controlled adequately to protect persons from falls from roof and ribs. During an investigation, WVOMHST concluded that on February 24, 2017, two large pieces of slate roof fell from the mine roof striking the section foreman causing serious injury. This occurred on the No. 1 section, No. 3 entry one cross cut above spad No. 804 in the last open crosscut.

(2). Chapter 22A Article 2 Section 2(c)

No person shall ride on loaded timber cars, loaded supply trucks, empty timber cars or empty supply cars which are not equipped with side guards in that by testimony given, an employee who was seriously injured on February 23, 2017 at 9:30 p.m. was placed on a backboard and carried to the end of the track and placed on an empty supply car along with three other employees attending him and was transported with a locomotive pushing the supply car to the surface. A section mantrip was available at the end of the track for the No. 1 section but was not utilized.

(3). Title 36 Series 19 Section 7.1

Unless granted permission by the Office of Miners' Health, Safety and Training, no operator may alter an accident related area until completion of all investigations pertaining to the accident. On February 23, 2017, a serious accident occurred on the No. 1 section, just inby spad No. 804 at approximately 9:30 p.m. The company notified the Mine Industrial Emergency Operations Center at 4:34 a.m. on February 24, 2017. When WVOMHST inspectors arrived at the mine to investigate the third shift crew had cleaned and altered the accident scene area.

Recommendations

Revisions to CK Coal Corp. Roof Control Plan

- The minimum size of the bearing plate will be increased to 8" X 8" with a Pizza Pan.
- Prior to work or production on any shift, the roof and ribs will be scaled from the feeder to the face in all working places. Once the working places have been scaled, work and/or production may start and scaling of the roof and ribs will continue until all entries and crosscuts on the section have been scaled from the feeder to the face. The certified person on the working section will record this action on the on-shift examination report at the end of any work or production.

Acknowledgement

The West Virginia Office of Miners' Health, Safety and Training gratefully acknowledges the cooperation of the employees and management of CK Coal Corporation and the Mine Safety and Health Administration.

Appendix

- Mine Information
- Victim Information

Mine Information

COMPANY CK Coal Corporation

MINE NAME No. 5 Mine

WV PERMIT U00503108 MSHA MINE ID NUMBER 46-09362

ADDRESS PO Box 1805 Gilbert WV 25621

COUNTY Mingo PHONE NUMBER 304-664-8115

DATE PERMIT ISSUED September 12, 2015

WORKING STATUS Active

LOCATION US 119 Upper Sheppardtown Rd

UNION _____ NON-UNION X

DAILY PRODUCTION 1350 ANNUAL PRODUCTION TO DATE _____

TOTAL EMPLOYEES 45

NUMBER OF SHIFTS 3

COAL SEAM NAMES(S) AND THICKNESSES Dorothy seam. 9 ft thick

ACCIDENT INCIDENT RATE 0 LOST TIME ACCIDENTS 0

TYPE OF HAULAGE Shuttle Car

WVOMHST INSPECTOR Daniel Perry

DATE OF LAST INSPECTION February 15, 2017

NOTIFIED BY Mine and Industrial Accident Emergency Operations Center

NOTIFICATION TIME 4:34 a.m.

CMSP ANNIVERSARY DATE January 13, 2107

CMSP CONTACT PERSON Terry Carter