
West Virginia Office of Miners' Health, Safety and Training

July 20, 2006

Report of a River Dock Fatality
Wackenhut Corp., Permit Number C-1799
Contractor for
River Point, LLC
River Point Dock, Permit Number L-863

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

TABLE OF CONTENTS

* SKETCH _____	1 - 2
* GENERAL INFORMATION _____	3
* DESCRIPTION _____	3 - 4
* FINDINGS OF FACT _____	4
* CONCLUSION _____	4
* ENFORCEMENT ACTION _____	5
* RECOMMENDATIONS _____	5
* ACKNOWLEDGMENT _____	6
* APPENDIX _____	7 -12

REPORT OF A RIVER DOCK FATALITY
WACKENHUT CORP., C-1799
contractor for
RIVER POINT, LLC
PERMIT NO. L-863

GENERAL INFORMATION

A fatal accident occurred between 10:30 p.m. and 11:45 p.m. on July 20, 2006 at the River Point, LLC River dock located at Marmet in Kanawha County, West Virginia. The accident occurred on an access road leading to the Kanawha River along the river belt. William C. Shinn, 85-year-old Security Officer, drove his 1995 Oldsmobile Ciera into a sediment control pond. Mr. Shinn died as a result of drowning according to the West Virginia Medical Examiner's office. William Morris, Superintendent for River Point, LLC notified the Office of Miners' Health, Safety and Training at approximately 6:30 a.m. on July 21, 2006 by voice mail that a serious accident had occurred. The West Virginia Office of Miners' Health, Safety and Training retrieved the message at approximately 8:05 a.m. on July 21, 2006.

Terry L. Keen and Garry L. Wolfe Surface Mine Inspectors with the West Virginia Office of Miners' Health, Safety and Training, Oak Hill office, responded to the scene of the accident. A joint investigation with the Mine Safety and Health Administration was started immediately.

DESCRIPTION

Wackenhut Corp. is contracted by River Point, LLC to provide security at their river dock facility. Wackenhut Corp. utilizes 254 employees at various locations throughout West Virginia. Wackenhut Corp. has three (3) employees assigned to the River Point, LLC facility and they provide security for River Point, LLC anytime the facility is not in operation, such as evenings and weekends. These employees work various hours, usually fifteen to twenty hours per week, and seven (7) days a week. River Point, LLC began operation on March 14, 2006 as a coal loading facility and has seven (7) employees. Coal is brought in by trucks from various mines and loaded on river barges.

On Thursday, July 20, 2006, William C. Shinn started to work at 5:00 p.m. According to testimony, Jeff Goodson, Foreman for River Point, LLC stated that he stopped by the river dock facility at approximately 10:00 p.m. on July 20, 2006 and talked with Mr. Shinn until approximately 10:30 p.m. Mr. Goodson stated that Mr. Shinn was in good spirits when he left. According to testimony, Vickie Miller, Security Officer for Wackenhut Corp., stated that her shift started at 12:00 a.m. on July 21, 2006 and she normally relieved Mr. Shinn. Mrs. Miller stated that on July 20, 2006 she arrived at the scale house approximately 15 minutes early for her shift. The scale house,

which is used as the security post, was locked and the air conditioner was running. Mrs. Miller stated that Mr. Shinn was not there and she assumed he had already left. Mrs. Miller stated that she made her normal rounds and did not see anything out of the ordinary.

Jeff Goodson, Foreman for River Point, LLC, stated that he arrived at approximately 6:00 a.m. on July 21, 2006 and started making his pre-shift inspection. Mr. Goodson stated that his inspection proceeded normally until he went to check the level of the sediment control pond beneath the river belt. Mr. Goodson stated that was when he discovered William Shinn's car in the pond. He said he could also see Mr. Shinn and that it was obvious that he was deceased. Jeff Goodson immediately called his supervisor William Morris and told him of the accident. Mr. Morris called 911, the Mine Safety and Health Administration, and the WV Office of Miners' Health, Safety & Training. The Kanawha County Sheriff's Department and the Marmet Chesapeake Fire Department responded to the accident. BMW Towing was also dispatched to recover the car and the victim from the pond. Mr. Shinn was pronounced dead at the scene and transported to the Medical Examiner's office in Charleston, West Virginia by Kanawha County ambulance.

FINDINGS OF FACT

1. William C. Shinn, Security Officer died as a result of drowning when he drove his 1995 Oldsmobile Ciera into a sediment control pond. According to the Medical Examiner's Certificate of Death the immediate cause of death was unwitnessed drowning and the other significant condition contributing to death was Ischemic heart disease. The manner of death was listed as accident.
2. The sediment control pond was approximately four (4) feet to five (5) feet deep.
3. The 1995 Oldsmobile Ciera was partially submerged in the sediment control pond. Mr. Shinn was found floating in the right rear passenger compartment where an air pocket existed.
4. The driver side window on the 1995 Oldsmobile Ciera was completely opened and the passenger side window was partially opened.

CONCLUSION

William C. Shinn was fatally injured as a result of driving his 1995 Oldsmobile Ciera into a sediment control pond at River Point, LLC, River Dock, while making his security checks.

ENFORCEMENT ACTION

A non-assessed control order was issued in accordance with Title 56, Series 3, 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, Wackenhut Corp. and River Point, LLC shall modify their Comprehensive Mine Safety Program to include, but not be limited to the following:

1. Wackenhut Corp. and /or River Point, LLC shall provide telephone, radio or other means of communications to security officers while on duty at all times.
2. Wackenhut Corp. 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 their 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 Wackenhut Corp. 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. River Point, LLC will install guard rails around all ponds and elevated roadways where there is a hazard of overturning.
5. Each security officer relieving another security officer at shift change, if applicable, shall make verbal and visual contact with the security officer being relieved.
6. All mine employees and contractors will be instructed in these procedures as they are hired or return to work.

ACKNOWLEDGMENT

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

Respectfully Submitted:

Garry L. Wolfe, Surface Mine Inspector

Date

Terry L. Keen, Surface Mine Inspector

Date

APPENDIX

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

CONTRACTOR INFORMATION

CONTRACTOR Wackenhut Corp.

WV PERMIT C-1799 MSHA PERMIT NO. DNK

MAILING ADDRESS 2333 MacCorkle Avenue, St. Albans, West Virginia 25177

COUNTY Kanawha PHONE NUMBER (304) 727-4608

TYPE OF WORK PERFORMED Security

WORKING STATUS Active

LOCATION Various Mine Sites

UNION _____ NON-UNION Yes

TOTAL EMPLOYEES 254

NUMBER OF SHIFTS 3

ACCIDENT FREQUENCY RATE 0 LOST TIME ACCIDENTS N/A

WVOMHST INSPECTOR N/A

DATE OF LAST INSPECTION N/A

CMSP – ANNIVERSARY DATE June 15, 2007

CMSP – CONTACT PERSON Marvin L. Jose

MINE INFORMATION

COMPANY River Point, LLC

MINE NAME River Point Dock

WV PERMIT L-863

ADDRESS P. O. Box E, Marmet, West Virginia 25365

COUNTY Kanawha

DATE PERMIT ISSUED March 14, 2006 WORKING STATUS Active

LOCATION Marmet, West Virginia

UNION _____ NON-UNION Yes

DAILY PRODUCTION 2,000 tons (transportation and loading)

ANNUAL PRODUCTION TO DATE 150,000 tons loaded (shipped)

TOTAL EMPLOYEES 7 NUMBER OF SHIFTS 1

NAME OF COAL BED N/A

SEAM THICKNESS N/A

ACCIDENT INCIDENT RATE 0 LOST TIME ACCIDENTS 1

TYPE OF HAULAGE N/A

WV OMHST INSPECTOR Clarence Dishmon

DATE OF LAST INSPECTION June 21, 2006

NOTIFIED BY William Morris, Superintendent

TIME OF NOTIFICATION 8:05 a.m. on July 21, 2006

CMSP – ANNIVERSARY DATE March 14, 2007

CMSP – CONTACT PERSON William Morris, Superintendent

INVESTIGATION

The following persons were present during the on-site investigation conducted on July 21, 2006:

RIVER POINT, LLC

William Morris	Superintendent
Jeff Goodson	Foreman
Gary Tinch	Tinch Mine Safety
Richard Crookshanks	Tinch Mine Safety

WACKENHUT CORP.

Charles R. Gillenwater, Jr.	Area Supervisor
-----------------------------	-----------------

MINE SAFETY AND HEALTH ADMINISTRATION

Jesse Cole	District Manager
Aubrey Castanon	Supervisor
Lincoln Selfe	Assistant District Manager
Fred Wills	Accident Investigator
Mike Woolridge	Impoundment Specialist
Marty Carver	Accident Investigator

WV OFFICE OF MINERS' HEALTH, SAFETY AND TRAINING

C. A. Phillips	Deputy Director
William Tucker	Assistant Inspector-at-Large
Terry L. Keen	Surface Mine Inspector
Garry L. Wolfe	Surface Mine Inspector

INTERVIEWS

The following persons were present during the interviews conducted on July 21, 2006:

RIVER POINT, LLC

William R. Morris*	Superintendent
Jeff Goodson*	Foreman
Gary Tinch	Tinch Safety
Richard Crookshanks	Tinch Safety

WACKENHUT CORP.

Vickie Miller*	Security Officer
Charles R. Gillenwater*	Area Supervisor
Louise Sullivan	Security Officer/Lieutenant

BMW TOWING

Keith Atkinson*	Tow Truck Driver
-----------------	------------------

*denotes persons interviewed

MINE SAFETY AND HEALTH ADMINISTRATION

Lincoln Selfe	Assistant District Manager
Aubrey Castanon	Supervisor
Fred Wills	Accident Investigator
Mike Woolridge	Impoundment Specialist
Marty Carver	Accident Investigator

WV OFFICE OF MINERS' HEALTH, SAFETY AND TRAINING

C. A. Phillips	Deputy Director
William Tucker	Assistant Inspector-at-Large
Terry L. Keen	Surface Mine Inspector
Garry L. Wolfe	Surface Mine Inspector