

West Virginia Office of Miners' Health, Safety and Training

May 24, 2006

**Fatal Power Haulage Accident
(Underground Coal Mine)**

**Wolf Run Mining Company
Sycamore No. 2 Mine
Permit No. U-2002-02A**

**Region One
Brian Mills, Inspector-at-Large
Jeff Bennett, District Mine Inspector
John Scott, Electrical Inspector
Bennie Comer, Electrical Inspector**

TABLE OF CONTENTS

•	General Information	3
•	Description	4, 5
•	Findings of Fact	5, 6
•	Conclusion	7
•	Recommendation	7
•	Enforcement Action	7
•	Acknowledgement	8
•	Appendix	9

General Information

A fatal underground haulage accident occurred on May 24, 2006 at the Wolf Run Mining Co. Inc., Sycamore Mine No. 2 at approximately 2: 15 p.m. Todd Upton, a 34 year old, utility man, operating a scoop, was struck by two wooden planks which were approximately nine inches wide, three inches thick and twelve feet in length, which entered the scoop deck. The scoop was being trammed battery end first in the outby direction toward the surface near the end of Mr. Upton's shift. The accident occurred in the No. 3 entry at a location known as 12 block. During interviews this location was referred to as the No. 2 entry. Mining ceased in the No. 1 entry, 4 blocks inby this location. The Sycamore Mine is located on the Jarvisville Road in Harrison County.

Co-workers came to Mr. Upton's assistance within minutes. The planks had to be removed from the operator's compartment to remove Mr. Upton from the machine. Once Mr. Upton was removed from the scoop CPR was administered. Mr. Upton was then transported to the surface where Dr. Roger Tilletson, of WVU Medical Center through radio communication with Tim Sergeant (Paramedic), Harrison County EMS pronounced him dead at 3:25 p.m. The body was transported to United Hospital Center in Clarksburg, WV.

The Office of Miner's Health, Safety and Training's Fairmont Office was notified of the accident at 2:40 p.m. by the Homeland Security Call Center. Secretary, Linda Miller, took the call. The Call Center had been notified at 2:35 p.m., a joint investigation with the Mine Safety and Health Administration (MSHA) was started immediately. District Inspector, Jeff Bennett, completed the most recent quarterly inspection at this mine on April 11, 2006. The location where this accident occurred had been developed but was not being utilized as a haul road at the time Mr. Bennett made his quarterly inspection.

The mine was originally permitted as Anker WV Mining Co., Inc. on January 10, 2005. The name of the operation was changed to Wolf Run Mining Co., Inc. on May 12, 2006.

Description

The Wolf Run Mining Company, Sycamore Mine No. 2 Mine is a drift mine. It produces coal in the Pittsburgh seam and is located near Jarvisville, in Harrison County. Mining is conducted with two continuous miner units. Employees and supplies are transported by battery powered equipment. Coal is removed from the working sections via a conveyor belt to the surface.

The day shift at the Sycamore No. 2 Mine started at 6:00 a.m. on May 24, 2006. Foreman, Johnny Bishoff, assigned Mr. Upton to get the Fairchild Scoop, Model Number 35C-WH, company number 7, to start picking up trash in the Number 3 entry. Mr. Upton proceeded with his assignment until the scoop he was operating experienced battery problems. Outby foreman, Dwight Riegel, instructed Gary Campbell, Number 5 Scoop Operator, to pull the No. 7 scoop to 7 block, then to the No. 3 entry where a battery charging station is located. Mr. Upton traveled to the surface after changing the batteries to empty the trash and was then assigned to deliver rock dust to the dumping point of the No. 3 conveyor belt. Mr. Upton made three trips from the surface to this location, hauling two pallets of rock dust each trip. At approximately 1:50 p.m., Mr. Upton spoke with Mr. Riegel and stated that this would be his final trip since the end of his shift was approaching. Mr. Riegel instructed Mr. Upton to haul a load of trash to the surface. During his final trip to the surface at approximately 2:00 p.m., Upton stopped to speak with Chris Mayle and Dave Broll, near the 26 block of No. 3 entry. Mr. Mayle and Mr. Broll finished putting away their tools and started walking out the No. 3 entry toward the surface after Mr. Upton's departure.

Mr. Mayle and Mr. Broll came upon the scoop at 12 block where they saw Mr. Upton's cap light shining. Both men yelled to Mr. Upton. When Mr. Upton did not respond, they ran toward the scoop and found Mr. Upton trapped against the inby side of the operator's compartment. They noticed that two planks had entered the operator's compartment, pinning Mr. Upton. Mr. Mayle immediately ran to the mine telephone at the No. 2 belt drive and informed the dispatcher that there was an accident with a man pinned in a scoop at 12 block in the No. 3 entry. First Left Section Foreman, Steve Hively was informed of the accident and he and his crew proceeded to the accident site. Upon arrival, Mr. Hively administered first aid treatment while the planks pinning Mr. Upton were being removed. Once the planks were removed from the operator's compartment, Mr. Upton was removed

from the machine, first aid treatment was continued and CPR efforts were started immediately.

While persons underground were freeing Mr. Upton, Safety Director, George Rannenberg, and members of the evening shift crew gathered additional first aid equipment and traveled to the accident site via mantrip. When Mr. Rannenberg arrived at the accident site Mr. Upton was being attended to by Mr. Hively while others were attempting to remove the wooden plank boards. Mr. Rannenberg turned the mantrip around that would be transporting Mr. Upton and prepared it to accommodate a backboard to secure Mr. Upton for transportation. CPR was continued while Mr. Upton was being transported. While transporting Mr. Upton to the surface, the mantrip met Jim Lacy, Second Shift Foreman, who was carrying an Automatic External Defibrillator (AED). The AED was administered without success and CPR was continued.

The Harrison County EMS with the assistance of Health Net continued emergency care when the mantrip arrived on the surface. Dr. Roger Tilletson, MD, WVU Medical Hospital through radio communication with Tim Sergent, Paramedic, Harrison County EMS, pronounced Mr. Upton dead at 3:25 p.m.

Findings of Fact

1. The machine involved in the accident was a rubber tired, battery powered, Fairchild Scoop, Model 35C-WH, Company Number 7, Serial Number T339-351, with MSHA approval Schedule 2G-3599-2. The No. 7 scoop was equipped with a bucket front-end attachment that could be raised and lowered by the scoop's hydraulic system. The scoop is used to transport supplies from the surface.
2. Operational tests conducted on the No. 7 scoop during the investigation revealed no defects or deficiencies pertaining to tramming, steering, brakes, hydraulic system, emergency de-energization device, lights, etc. The operator's compartment was located mid-machine on the right side, and was provided with an approved canopy. A protective metal grid enclosure was provided around three-quarters of the operator's compartment. There is an opening measuring 18 ¼ inches wide by 28 inches in height, where an operator enters the operator's compartment.

3. There were no witnesses to the accident.
4. During the dayshift of May 24, 2006 a certified person made two required examinations of the No. 3 entry haul road. Examiner, Fred Jamison, reported no hazardous conditions. Foreman, Dwight Riegel, escorted a red hat miner through the No. 3 entry, 12 block area within approximately 15 minutes prior to the accident. Mine Safety Director, George Rannenbergh, also traveled through the No. 3 entry, 12 block area with MSHA inspectors, Ron Postelwaite and Jeremy Ross, earlier in the shift at approximately 7:30 to 8:00 a.m. All individuals that were interviewed did not observe a potentially hazardous condition when they passed through the accident site.
5. The entry height at the accident site was 52 inches, and the width was 17 ½ feet. The mine floor roadway, in the immediate area, was slightly damp and rolling. The entry roadway was rutted out and defined with two tracks. Just inby 12 block, on the right side next to the rib were two crib blocks and two planks. In the belt side crosscut at 12 block, there were 10 planks lying on the mine floor. The immediate roof above the scoop had three dislodged roof bolts, with plates missing that had been installed with accordance with the approved roof control plan.
6. Training records indicate that Mr. Upton received a West Virginia Apprentice Miner's Certificate on February 14, 2005 and was issued a West Virginia Underground Miner's Certificate on December 16, 2005. He also received task training on the following equipment:

October 31, 2005-----Fork Lift and Scoop
March 3, 2005-----488 S & S Scoop
March 6, 2006-----Gunit Machine
March 27, 2006-----488 Long Airdox Scoop

Conclusion

While tramming the Fairchild scoop outby in the Number 3 entry at Number 12 block the victim received a fatal injury when two plank boards entered into the operators compartment pinning him inside the operator's cab.

Recommendations

Mine management shall hold safety meetings with all mine personnel to discuss the safe operation of off track equipment to prevent a recurrence of the accident.

Enforcement Actions

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

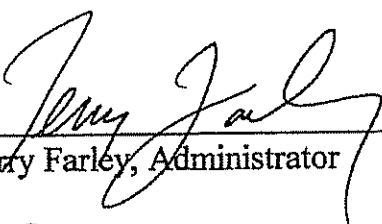
A non-assessed control order was issued in accordance with West Virginia Administrative Regulation Title 36, Series 19, Section 7.1

A violation was issued that directly attributed to the cause of the accident.
Title 36, Series 30, Section 4.1 *Following the investigation of a fatal accident on May 24, 2006, resulting in the death of scoop operator, Todd Upton, evidence indicates and it has been determined that the roadway at 12 block, No. 3 entry was not being maintained in a safe condition and free of hazards. Required roof supports were damaged and loose plank boards were present at the accident scene.*

During this investigation a total of three notices of violation were issued that did not contribute to the accident. (See Attachments – Appendix)

Acknowledgement

The West Virginia Office of Miners' Health, Safety and Training gratefully acknowledges the cooperation of the employees and management of Wolf Run Mining Company and the Mine Safety and Health Administration during this investigation.


Terry Farley, Administrator

7-18-06
Date


Brian Mills, Inspector-at-Large


July 18, 2006
Date


Jeff Bennett, District Mine Inspector

7-18-2006
Date


John Scott, Electrical Inspector

7-26-2006
Date


Bennie Comer, Electrical Inspector

7/18/2006
Date

APPENDIX

- * List of persons providing information or present during the investigation.
- * Mine Information
- * Victim Information
- * Drawings
- * Violations (non-contributing)

Investigation / Interviews

The following persons were present at the on-site investigations and/or interviews:

WV Office of Miners' Health, Safety & Training

Jim Dean	Director
Terry Farley	Administrator
Brian Mills	Inspector-at-Large
Jeff Bennett	District Mine Inspector
John Scott	Electrical Inspector
Bennie Comer	Electrical Inspector

Mine Safety & Health Administration

Jan B. Lyall	MSHA Inspector-Roof Control
Jerry W. Vance	Educational Field Services
Craig S. Aaron	Mining Engineer, Health Specialist
Frank Thomas	MSHA Inspector-Electrical
Kenneth Tenney	Field Office Supervisor
Ron Wyatt	Staff Assistant

International Coal Group, LLC

Samuel R. Kitts	Vice-President
Tim A. Martin	Corporate Director Health & Safety
H. Tyrone Coleman	Manager of Safety
Greg L. Nestor	Safety Director
Denise Smith-Kastick, ESQ	Attorney with Spilman, Thomas & Battle
Mark E. Heath	Attorney with Spilman, Thomas & Battle

Wolf Run Mining Company

Randy Riddle	General Manager
Roger Spencer	Superintendent
*Johnny Bishoff	Production Coordinator
*George Rannenberg	Safety Manager
*Dwight Riegel	Outby Foreman
*Steve Hively	Section Foreman
Bill Hoover	Maintenance Superintendent
*Fred Jamison	Outby Mine Examiner
*David Broll	Utility/Scoop Operator
*Gary Campbell	Utility/Scoop Operator
*Roy Payne, Jr.	Continuous Miner Operator
*Johnny Wilfong	Section Mechanic
*Everett Kalbaugh	Utility/Scoop Operator
*William Short	Shuttle Car Operator

***Mark Ross**

Outby Foreman

Mine Temp, LLC

***Christopher J. Mayle**

Contact Laborer

Alpha Engineering Services, Inc.

Mike Gosnell

Contract Surveyor

Travis Hartsog

Contract Surveyor

David Prelaz

Contract Surveyor

***Denotes Persons Interviewed**

MINE INFORMATION

COMPANY Wolf Run Mining Company

MINE NAME Sycamore Mine No. 2

WV PERMIT U-2002-02A MSHA PERMIT NO. 46-09060

ADDRESS RR 4, Box 612, Salem, WV 26426

COUNTY Harrison PHONE NUMBER (304) 782-4433

DATE PERMIT ISSUED May 12, 2006

WORKING STATUS Active

LOCATION West of Clarksburg, 3 miles off Rt. 50 on Jarvisville Road

UNION _____ NON UNION X

DAILY PRODUCTION 1146Tons Daily

ANNUAL PRODUCTION TO DATE 102,568 Tons

TOTAL EMPLOYEES 81

NUMBER OF SHIFT 3

COAL SEAM NAME AND THICKNESS Pittsburgh 80 Inches

ACCIDENT FREQUENCY RATE 7.96 LOST TIME ACCIDENTS 5

TYPE OF HAULAGE Belt

WVOMHST INSPECTOR Jeff Bennett

DATE OF LAST INSPECTION May 15, 2006 (John Scott)

NOTIFIED BY Tina Myers

TIME OF NOTIFICATION 2:35 PM

CMSP - ANNIVERSARY DATE April 17, 2007

CMSP - CONTACT PERSON George Rannenberg

VICTIM INFORMATION

NAME OF VICTIM Todd Lewis Upton

ADDRESS Montana Mines, WV 26586

AGE Thirty-four (34)

SOCIAL SECURITY NUMBER [REDACTED]

TOTAL MINING EXPERIENCE 1 year 3 months 10 days

EXPERIENCE AT THIS MINE 7 months

OCCUPATION AT TIME OF ACCIDENT Section Utility

REGULAR OCCUPATION Section Utility

COAL MINER'S CERTIFICATION [REDACTED] (Issued 12/16/05)

OTHER CERTIFICATIONS Apprentice Electrician [REDACTED] (Issued 5/20/06)

SPOUSE'S NAME Simee Upton

DEPENDENTS Three (3)

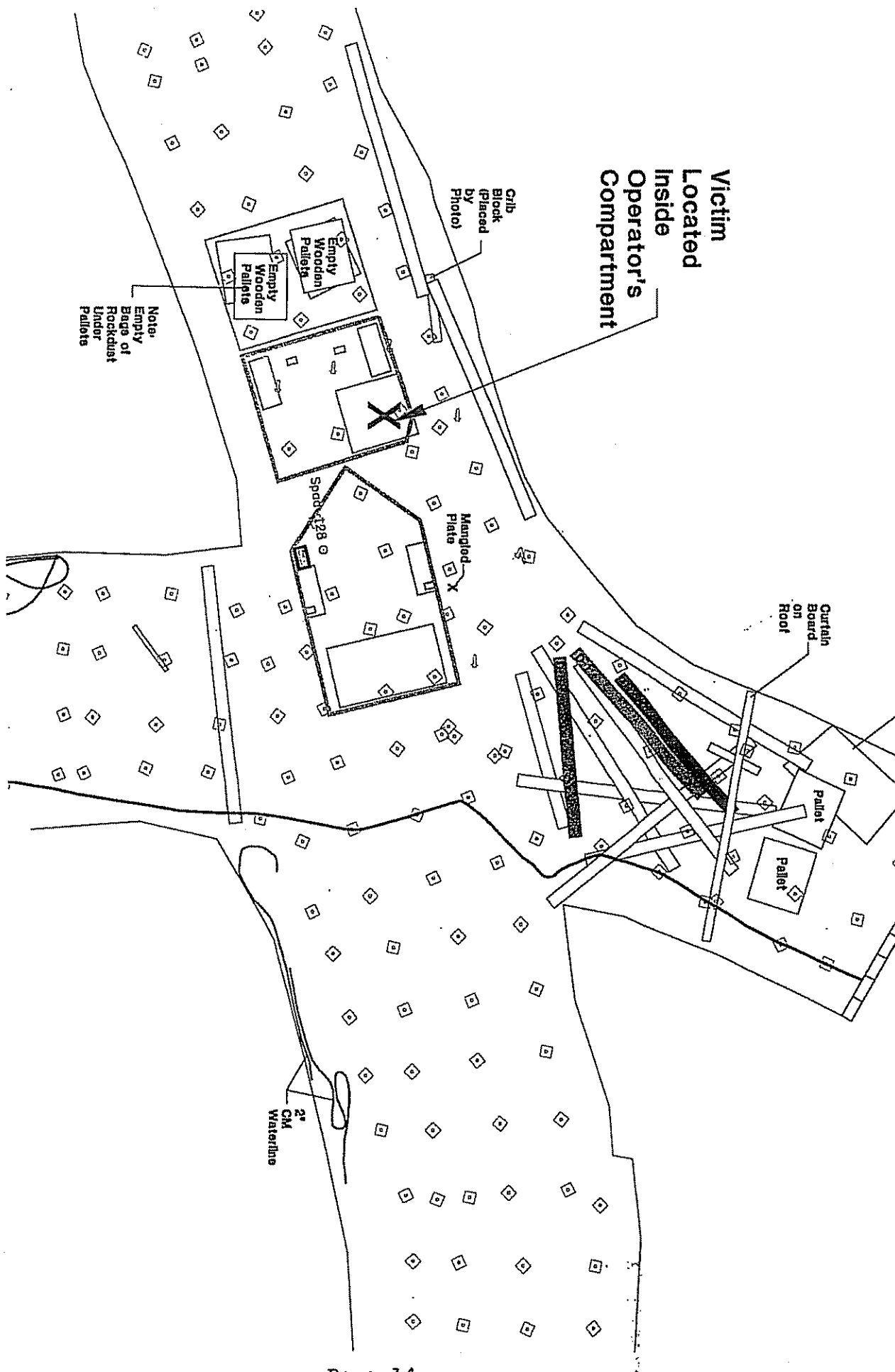
DATE OF ACCIDENT 24TH DAY OF May 2006

AT 2:25 O'CLOCK PM.

CAUSE OF ACCIDENT: Victim was stuck by two (2) 3"x9"x12' wood planks
which entered the Fairchild scoop canopy causing fatal crushing injuries.

DATE OF DEATH: 24TH DAY OF MAY 2006

NOT TO SCALE



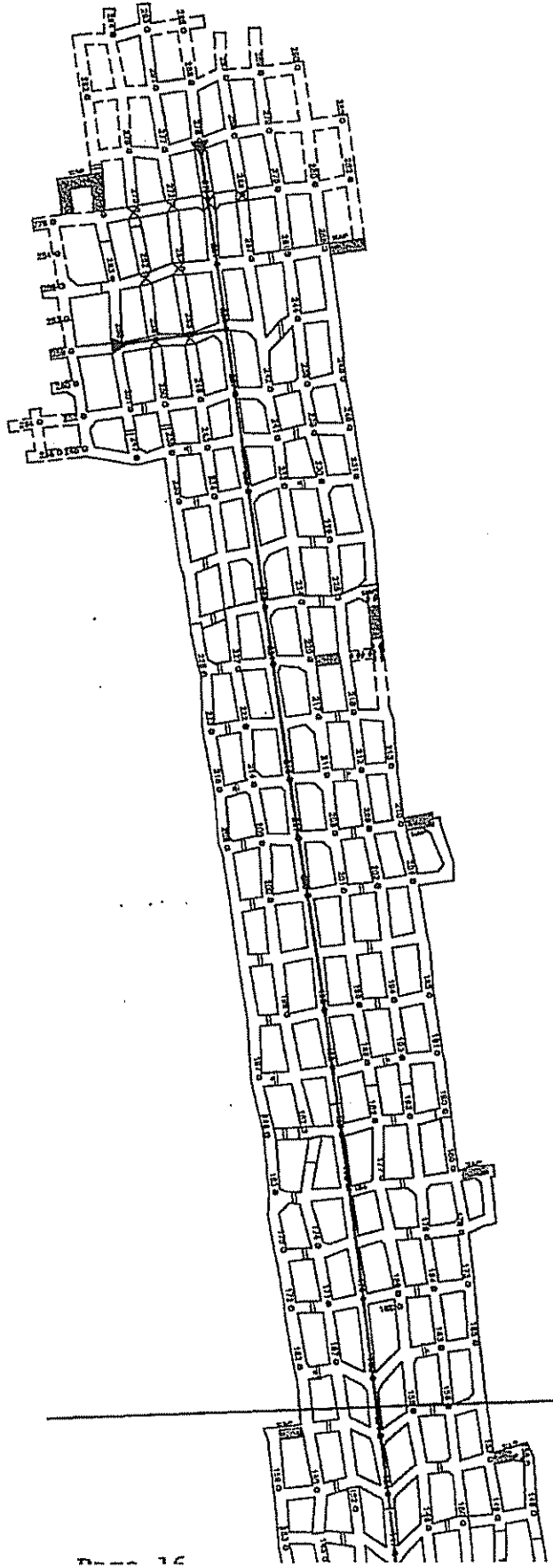
[illegible]

Page 15

Active
CM Section

Active
CM Section

NOT TO SCALE



IF-018
Revised 11-02

STATE OF WEST VIRGINIA

OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING

1615 Washington Street East
Charleston, West Virginia 25311-2126

White- Company
Blue -Inspector
Green -Charleston
Canary -Regional Office
Pink- Post
Goldenrod -Rep of Mines

Region 1
Case No. 129-0371
Violation No. 1

NOTICE OF VIOLATION

Company / Operator WOLF RUN Mining Contractor: Yes No X
Permit Number 11-2007-07A Mine Name Sycamore #2
Date of Issue 5-25 2006 Time 4:00 A.M. X P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A, Article 2, Section 40 (20) and/or West Virginia Administrative Regulation: Title , Series , Section exists as follows: DURING AN

INVESTIGATION OF A FATAL ACCIDENT INVOLVING
THE NO. 7 MODEL NO. 35CWH FAIRCHILD SCOOP,
SERIAL NO. T 339-351, A MINING-CONTRIBUTING
VIOLATION WAS DISCOVERED INSIDE THE MAIN
PANEL ON THE SCOOP. THE INTERLOC SWITCH,
WHICH IS DESIGNED TO DE-ENERGIZE THE MAIN
CIRCUIT BREAKER WHEN THE PANEL LID IS
REMOVED WAS SECURED IN THE CLOSED POSITION
BY A PIECE OF TAPE MAKING IT IN-OPERATIVE.

Type of Issuance: N.O.V. X Order

Area or equipment (if order is issued):

The foregoing violation shall be totally abated by a.m. p.m. on 20

The foregoing violation was totally abated by 4:00 a.m. X p.m. on 5-25 2006

Action taken to abate the violation: THE TAPE WAS REMOVED AND
NOW THE SWITCH OPERATES PROPERLY

Company / Operator Agent Served: Bill Hoover

Authorized Representative: Rich Fawcett Inspector No. 129

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) X Reasonably likely (10) Occurred (20)

Severity of Injury Expected: None: *(0) No lost work days *(6) Lost or restricted days (11) X

Permanently disabling (15) Fatal (20)

No. of Persons Potentially Affected: 0 (0) 1 (1) X 2 (2) 3 (4) 4-5 (6) 6-9 (8) 9+ (10)

Negligence: None (0) X Low (10) Moderate (15) High (20)

Knowing Violation: No X Yes Repeat

Good Faith in Abatement: Lack of good faith (+15%)

No compliance (extenuating circumstances) (0%) X Extra effort (-15%)

IF-018
Revised 11-02

STATE OF WEST VIRGINIA

OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING

1615 Washington Street East
Charleston, West Virginia 25311-2126

White- Company
Blue -Inspector
Green -Charleston
Canary -Regional Office
Pink- Post
Goldenrod -Rep of Mines

Region 1
Case No. 155-073
Violation No. 2

NOTICE OF VIOLATION

Company / Operator Wolf Run Mining Co. Contractor: Yes No
Permit Number U-2002-02A Mine Name Lucamore II
Date of Issue 5-25 2006 Time 4:45 A.M. P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 22A, Article 3, Section 25A and/or West Virginia Administrative Regulation:

Title , Series , Section exists as follows: During the investigation of a fatal accident the approved roof control plan is not being complied with in that located in the #3 entry (haul road) between #26 and #27 blks. four (4) required post have been dislodged that are required to reduce the wide span. Also at 12 1/4 blk. 3 required permanent roof supports are not being provided with bearing plates (these 3 are located all in the same row) Also the 2nd row in by this condition a bearing plate is not tight against the mine roof and this is also a required support installed in pattern as required by the approved roof control plan.

Type of Issuance: N.O.V. Order

Area or equipment (if order is issued):

The foregoing violation shall be totally abated by 4:00 a.m. p.m. on 5-26 2006

The foregoing violation was totally abated by a.m. p.m. on 20

Action taken to abate the violation:

Company / Operator Agent Served: Roger Spencer

Authorized Representative: Jeff Bennett / Brian Miller Inspector No. 155/01

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) Reasonably likely (10) Occurred (20)

Severity of Injury Expected: None: *(0) No lost work days *(6) Lost or restricted days (11)

Permanently disabling (15) Fatal (20)

No. of Persons Potentially Affected: 0 (0) 1 (1) 2 (2) 3 (4) 4-5 (6) 6-9 (8) 9+ (10)

Negligence: None (0) Low (10) Moderate (15) High (20)

Knowing Violation: No Yes Repeat

Good Faith in Abatement: Lack of good faith (+15%)

No compliance (extenuating circumstances) (0%) Extra effort (-15%)

IF-O18
Revised 11-02

STATE OF WEST VIRGINIA

White- Company
Blue -Inspector
Green -Charleston
Canary -Regional Office
Pink- Post
Goldenrod -Rep of Mines

Region 1
Case No. 155-093
Violation No. 1

OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

NOTICE OF VIOLATION

Company / Operator Wolf Run Mining Co. Contractor: Yes ☐ No ☒
Permit Number 11-2002-02 A Mine Name Sycamore II
Date of Issue 5-25 2002 Time 8:50 ☒ A.M. ☐ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 30, Article 30, Section 4.1 and/or West Virginia Administrative Regulation:

Title 30, Series 30, Section 4.1 exists as follows: During the investigation of a fatal accident the following conditions exist in the haul road located in the #5 entry which is used daily to transport miners and supplies to the main working section. At 19 blk. loose planks are present on the outby end of the existing wooden bridge. At 30 blk. A concrete slab is present that is approximately 8" thick. Also the following conditions exist in the haul road located in the #3 entry. At 30 3/4 blk. 5 (overcast) I-beams that measured 4" x 4 1/2" x 17' in length and measured 29" from the rib are along side the roadway. At 28 1/2 several loose boards are present in and along the roadway. This same condition exist between 26 and 27 blks. And evidence indicates they are being

Type of Issuance: N.O.V. ☒ Order ran over by mobile equipment, battery powered scoop
Area or equipment (if order is issued):

The foregoing violation shall be totally abated by 4:00 a.m. ☒ p.m. on 5-26 20 02

The foregoing violation was totally abated by a.m. ☐ p.m. on 20

Action taken to abate the violation:

Company / Operator Agent Served: Roger Spencer

Authorized Representative: Jeff Smith / Brian Mills Inspector No. 155/01

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) ☐ Reasonably likely (10) ☒ Occurred (20) ☐

Severity of Injury Expected: None: *(0) ☐ No lost work days *(6) ☐ Lost or restricted days (11) ☒

Permanently disabling (15) ☐ Fatal (20) ☐

No. of Persons Potentially Affected: 0 (0) ☐ 1 (1) ☐ 2 (2) ☐ 3 (4) ☒ 4-5 (6) ☐ 6-9 (8) ☐ 9+ (10) ☐

Negligence: None (0) ☐ Low (10) ☐ Moderate (15) ☒ High (20) ☐

Knowing Violation: No ☒ Yes ☐ Repeat ☐

Good Faith in Abatement: Lack of good faith (+15%) ☐

No compliance (extenuating circumstances) (0%) ☐ Extra effort (-15%) ☐

Region 1
Case No. 155-097
Violation No. 1

OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING
1615 Washington Street East
Charleston, West Virginia 25311-2126

Blue -Inspector
Green -Charleston
Canary -Regional Office
Pink- Post
Goldenrod -Rep of Mines

201 482

NOTICE OF VIOLATION

Company / Operator Wolf Run Mining Co. Contractor: Yes ☐ No ☒
Permit Number 11-2003-02A Mine Name Secamore No. 2
Date of Issue 7-17, 2006 Time 2:07 A.M. ☒ P.M.

Notice is hereby given that the undersigned authorized representative of the Director of the Office of Miners' Health, Safety and Training, upon making an inspection of this mine finds that the violation referred to in West Virginia Code, Chapter 36, Article 30, Section 4.1 and/or West Virginia Administrative Regulation: Title 36, Series 30, Section 4.1 exists as follows: Following the

investigation of a fatal accident on May 24, 2006, resulting in the
death of scoop operator, Todd Watson, evidence indicates and it has
been determined that the roadway at 12 block, No. 3 entry was not
being maintained in a safe condition and free of hazards. Required
roof supports were damaged and loose plank boards were present at
the accident scene.

Type of Issuance: N.O.V. ☒ Order ☐
Area or equipment (if order is issued):

The foregoing violation shall be totally abated by 2:11 a.m. ☐ p.m. on 7-17 2006
The foregoing violation was totally abated by 2:11 a.m. ☒ p.m. on 7-17 2006

Action taken to abate the violation: Discussed violation with mine management and
WV Code 36-30-4.1

Company / Operator Agent Served: George Rasmberg, Johnny Bishoff
Authorized Representative: Jeff Bennett Inspector No. 155

REVIEW: In accordance with Section 22A-1-17 of the Code, an operator or any representative of the miners may apply to the Director of the Office of Miners' Health, Safety and Training for review of this notice of violation within thirty (30) days from the issued date.

VIOLATION ASSESSMENT EVALUATION

Recommend Special Assessment: ☐

Likelihood of Occurrence: Unlikely: *(0) Reasonably likely (10) Occurred (20) ☒
Severity of Injury Expected: None: *(0) No lost work days *(6) Lost or restricted days (11) ☐
Permanently disabling (15) Fatal (20) ☒
No. of Persons Potentially Affected: 0 (0) 1 (1) ☒ 2 (2) 3 (4) 4-5 (6) 6-9 (8) 9+ (10)
Negligence: None (0) Low (10) Moderate (15) ☒ High (20)
Knowing Violation: No ☒ Yes ☐ Repeat ☐
Good Faith in Abatement: Lack of good faith (+15%) ☐
No compliance (extenuating circumstances) (0%) ☒ Extra effort (-15%) ☐