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**WEST VIRGINIA OFFICE OF MINERS' HEALTH, SAFETY AND TRAINING**

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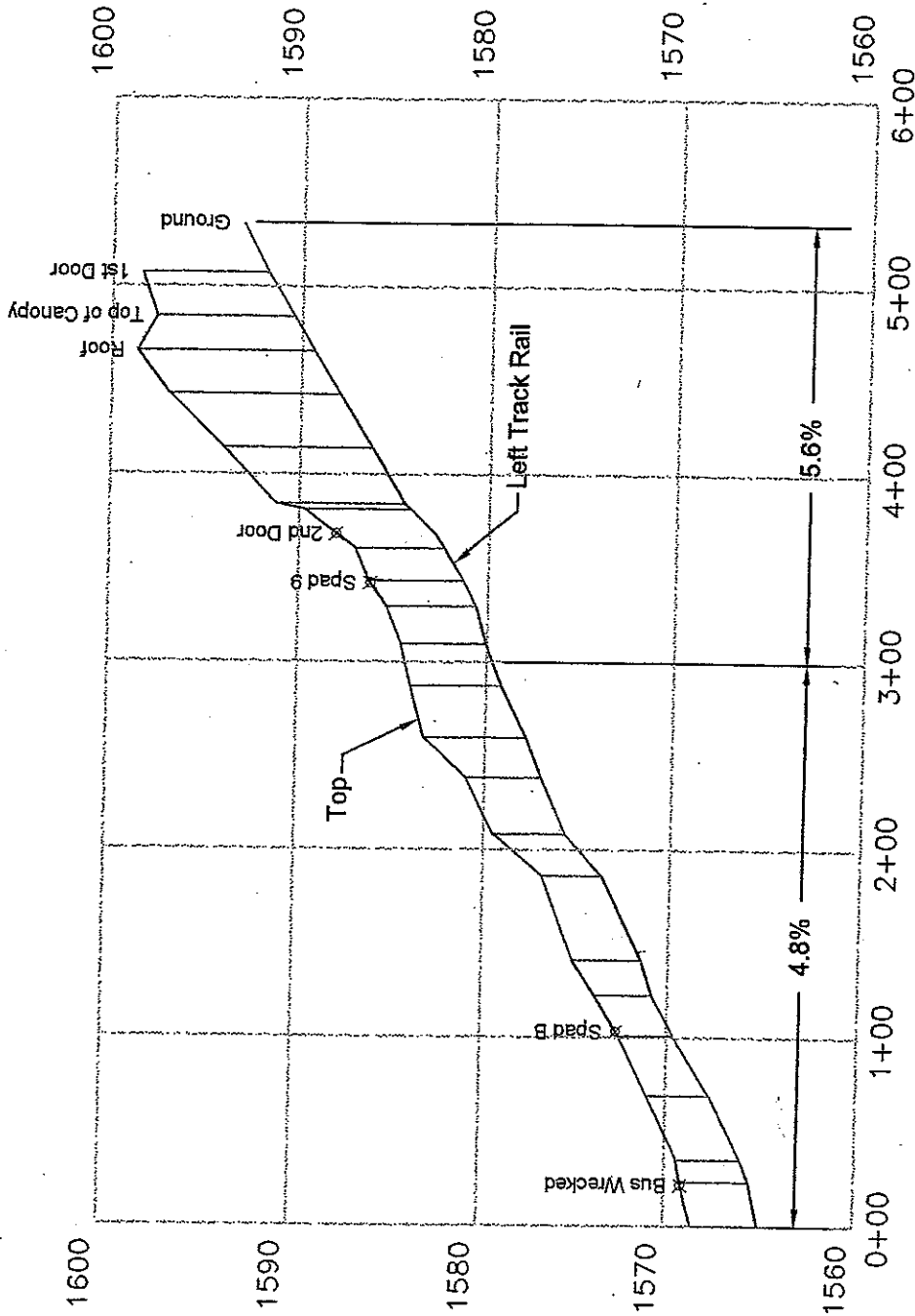
February 10, 2004

Fatal Haulage Accident Investigation Report  
Raw Coal Mining Company, Inc.  
Cucumber Mine  
Permit No. U-4016-94B

Region Two - Welch Office  
891 Stewart Street  
Welch, WV 24801  
Fred B. Stinson, Inspector-at-Large

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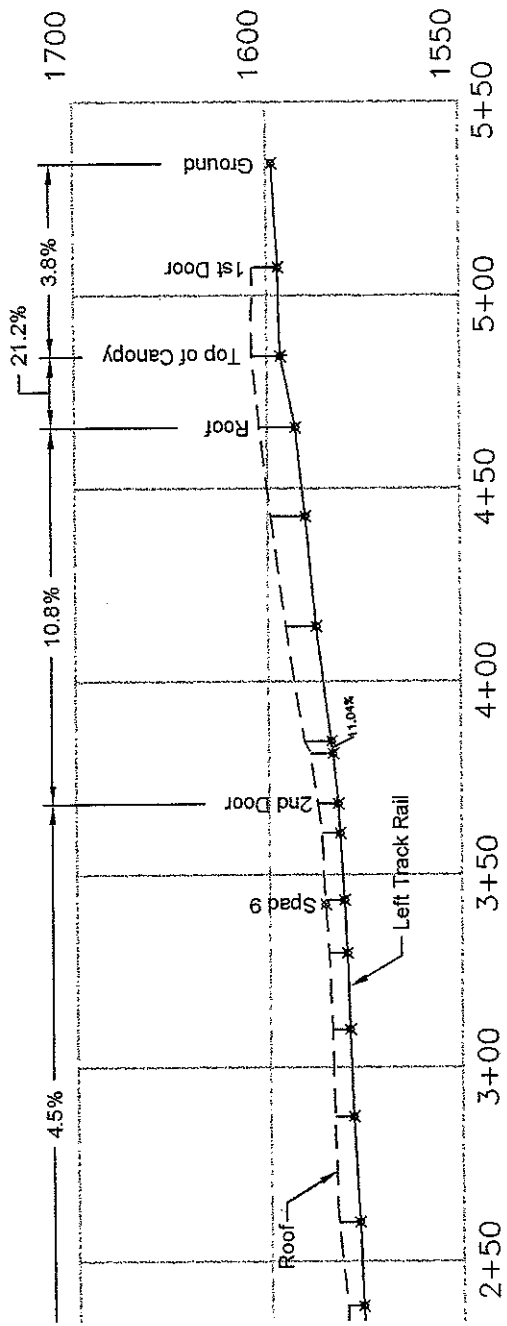


FEBRUARY 10, 2004  
 ACCIDENT  
 TRACK ROOF PROFILE

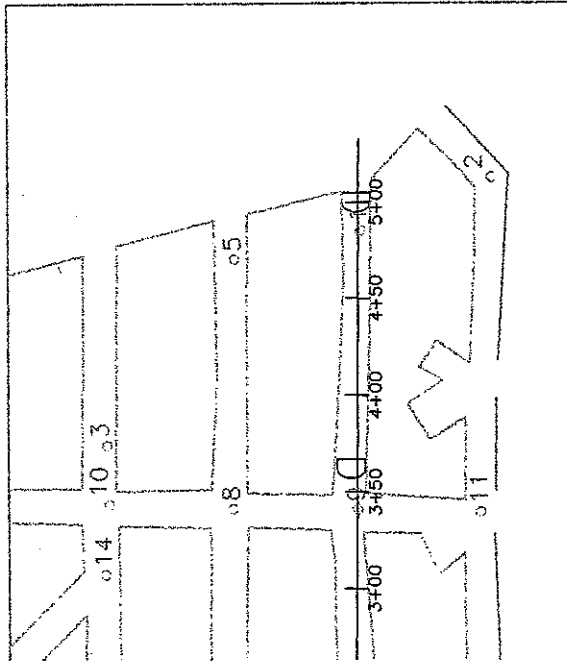
RAW COAL MINING COMPANY, INC.  
 P. O. Drawer 1030  
 Bluerfield, VA 24605

CUCUMBER MINE  
 POCAHONTAS NO. 3 SEAM  
 M.S.H.A. IDNO. 46-08580  
 M.H.S.T. PERMIT: U-4016-94  
 Located on Big Creek of Jacobs Fork of Dry Fork of Top Fork  
 Big Creek District of McDowell County

Scale: 1" = 40' U.S. - 4111



**CK - ROOF PROFILE**  
Scale: 1" = 50'



**VIEW**  
1" = 100'

**FEBRUARY 10, 2004  
ACCIDENT  
TRACK - ROOF PROFILE**

**RAW COAL MINING COMPANY, INC.**

P.O. Drawer 1030  
Bluefield, VA 24605

**CUCUMBER MINE**

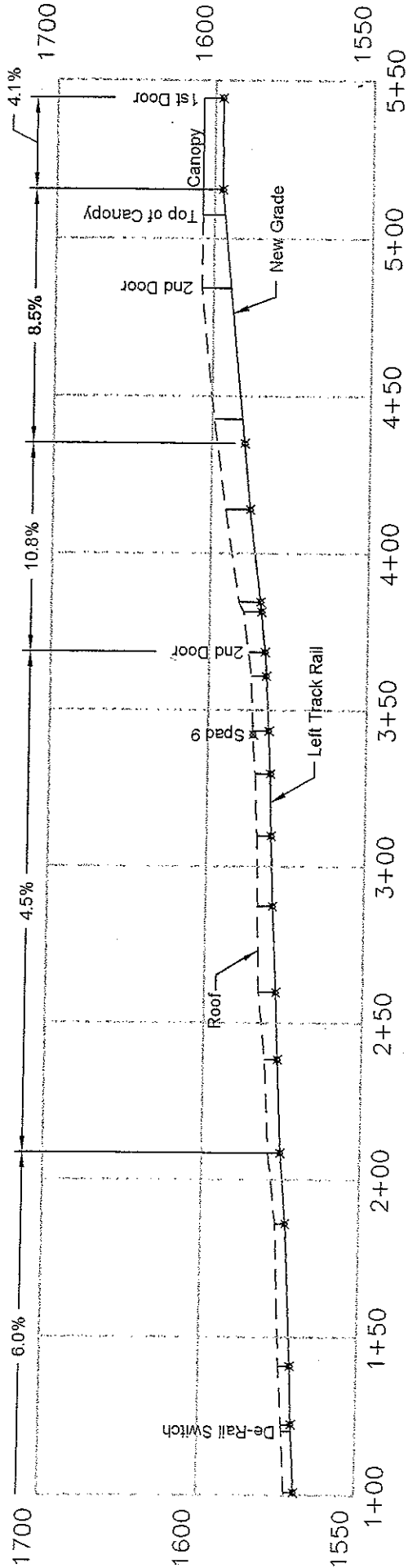
POCAHONTAS NO. 3 SEAM

M.S.H.A. ID NO. 46-08580

M.H.S.T. PERMIT: U-4016-94

Located on Big Creek of Jacobs Fork of Dry Fork of Tug Fork  
Big Creek District of McDowell County

Scale: As Noted



**TRACK - ROOF PROFILE**

Scale: 1" = 50'

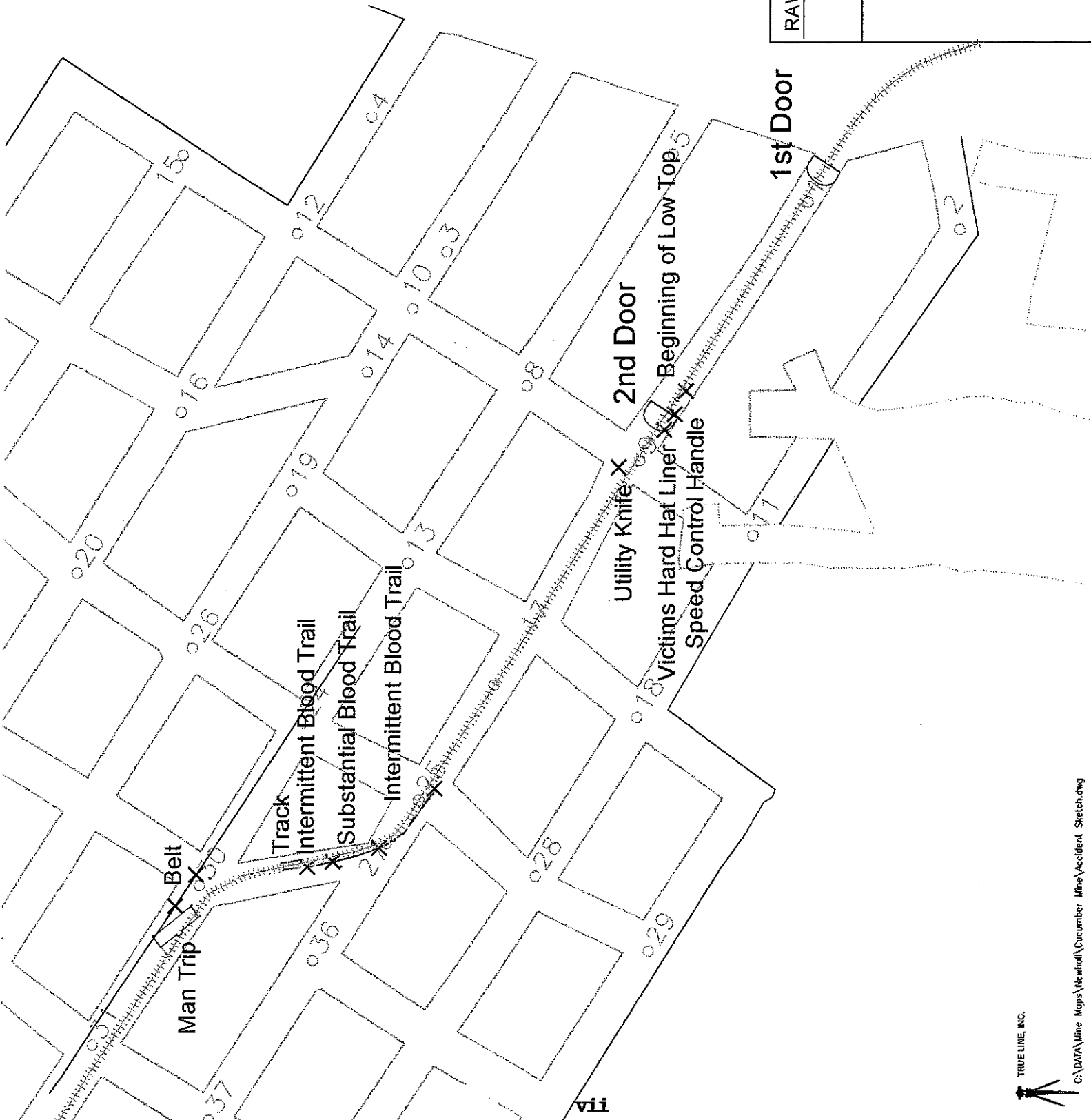
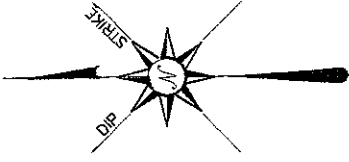
**As-Built  
Track Grade Profile**

RAW COAL MINING COMPANY, INC.  
P.O. Drawer 1030  
Bluefield, VA 24605

**CUCUMBER MINE**  
POCAHONTAS NO. 3 SEAM.  
M.S.H.A. ID NO. 46-08580  
M.H.S.T. PERMIT: U-4016-94  
Located on Big Creek of Jacobs Fork of Dry Fork of Tug Fork  
Big Creek District of McDowell County

Scale: 1" = 50'  
Date: February 23, 2004





FEBRUARY 10, 2004  
ACCIDENT SKETCH

RAW COAL MINING COMPANY, INC.

P.O. Drawer 1030  
Bluefield, VA 24605

**CUCUMBER MINE**

POCAHONTAS NO. 3 SEAM

M.S.H.A. ID NO. 46-08580

M.H.S.T. PERMIT: U-4016-94

Located on Big Creek of Jacobs Fork of Dry Fork of Tug Fork  
Big Creek District of McDowell County

Not to Scale  
Date: February 11, 2004

**FATAL HAULAGE ACCIDENT INVESTIGATION REPORT  
RAW COAL MINING COMPANY, INC.  
CUCUMBER MINE  
PERMIT NO. U-4016-94B**

**GENERAL INFORMATION**

A fatal haulage accident occurred at approximately 7:35 a.m. on February 10, 2004, at Raw Coal Mining Company, Inc., Cucumber Mine, located near Cucumber in McDowell County. Mr. Gary S. Addair, age 26, of Iaeger, West Virginia, was fatally injured when the track mounted vehicle he was operating apparently went out of control striking a metal airlock door approximately 130 feet in by the mine's drift opening portal. The track-mounted vehicle operated by Mr. Addair was also transporting four employees of Raw Coal Mining Company, Inc. and two employees of True Line, Inc.

**DESCRIPTION**

Raw Coal Mining Company, Inc. was issued a permit to operate the Cucumber Mine in November 2002. Currently, the mine employs a total of 38 people on three shifts. A Supersection with two continuous miners is being operated.

On Tuesday, February 10, 2004, the dayshift crew prepared to enter the mine at approximately 7:30 a.m. Gary S. Addair positioned himself in the operator's deck of a West Virginia Armature H D battery powered track-mounted vehicle to be used as a mantrip. Six other men boarded the vehicle in the spaces provided at each end of the mantrip. Seated in the left front position of the vehicle was Scott Stinson. Ernest Murray was in the front middle position and James Rambo in the right front position. Seated in the vehicle's left rear position was Howard Mitchell. Pete Day was seated in the middle position and Roger Fowler was in the right rear position. Departure was delayed momentarily by the late arrival of Rambo and Murray. John Campbell, Sherman Conley, Tommy Green, Marty Daugherty and Tracy Carter boarded a second track-mounted vehicle and intended to follow the first mantrip vehicle to the working section.

Most of the people interviewed indicated that the third shift outside man, Brian Hagy, used an air compressor each morning to blow residue from the sanding device reservoirs on each track-mounted vehicle. Rambo, Murray, Fowler, Stinson and Day were also certain that Mr. Addair filled at least the forward sand reservoirs in the final minutes before departure. No one had any recollection of an actual test of the sanding devices, but Fowler stated that Mr. Addair had checked the braking systems before departure.

The track entry portal was provided with a set of airlock doors. The first door was located within a few feet of the outcrop under the portal canopy and had a switch for opening and closing the door that could be operated on the outside of the portal. This door was said to be open at the time of departure. The second door was located approximately 140 feet in by and there were two switches located approximately 72 feet inside the portal that were used to open and close the first



and second doors. Both doors had been constructed of sheet and channel metal with rubber flaps around the outer edges to facilitate a proper seal. Beginning at a point approximately 25 feet in by the first door the track entry descends at a 21.2% grade for a distance of approximately 20 feet. The dip or grade then averages 10.8% to the second door.

The track-mounted mantrip vehicle operated by Mr. Addair started underground at approximately 7:35 a.m. The general description by all persons aboard the vehicle was that the vehicle started to accelerate when it began its descent toward the second door. Descriptions and/or opinions as to whether the vehicle's wheels locked up and slid or rolled freely during the descent varied. Campbell, who was a passenger in the other track-mounted vehicle, stated that Mr. Addair was sitting upright as the vehicle entered the mine. Stinson stated that he heard Mr. Addair call out that he "had no brakes" just before the vehicle struck the second door. Stinson, who was positioned in the vehicle's left front passenger compartment, stated that the door bounced up and over the heads of those in the vehicle's front compartment. The vehicle then continued for a distance of approximately 250 feet where it made a right turn. The vehicle then continued for approximately 80 feet where it derailed in a left turn. Mr. Addair was found lying atop the outby end of the vehicle with his legs extending down into the operator's deck. Based on the evidence at the scene, the fatal injuries were caused at the time the vehicle struck the door.

At 7:50 a.m. 911 was called. The Berwind Volunteer Fire Department responded first with an emergency crash truck followed by an ambulance from the McDowell County Ambulance Authority. Attempts to revive Mr. Addair were made by Emergency Medical Technicians from the McDowell County Ambulance Authority. Mr. Addair was transported to Welch Community Hospital where he was pronounced dead on arrival.

### **FINDINGS OF FACT**

- The track-mounted vehicle involved in this accident was a West Virginia Armature H D battery powered personnel carrier (Serial Number 200-1451). The vehicle is designed to transport approximately 7-9 people. There were seven people aboard the vehicle at the time of the accident including the operator/victim, Gary S. Addair.
- The vehicle is equipped with hydraulically operated foot and park brakes. An electrical/dynamic brake is also available. The braking systems were found to be operational when inspected and tested by MSHA and OMHST investigators.
- The vehicle's headlights were found to be inoperative by MSHA and OMHST investigators during the investigation.
- Within five to six hours after the accident, the vehicle's left front sand reservoir was found to be empty. The right front sand reservoir was found to be approximately one-third full. After the vehicle was re-railed and brought to the surface, the front sand reservoirs were filled with sand. The left front sand reservoir emptied in one minute and fifty-three seconds without

engaging the sanding release device. The right front sand reservoir emptied in two minutes and fifty-three seconds without engaging the sanding release device.

- An electrical safety foot switch (commonly known as a deadman) was installed on this vehicle on January 10, 2004. A second track-mounted vehicle was also provided with the same device on January 13, 2004. When activated the switch de-energizes the electrical panel, tram control, electric/dynamic brake, and sets the park brake. The safety switch controls the park brake by an electrical solenoid, which applies the brake when power is removed from the solenoid by activation of the safety switch. When the vehicle was examined after the accident, it was determined that the brake lines had been disconnected from the electrical solenoid. The brake lines were connected to a manual dump valve in the vehicle's operating compartment.
- Airlock doors were located in the track entry drift opening. The first door was located under the portal canopy where it connects to the highwall. The second door was located approximately 140 feet inby. Beginning at a point approximately 25 feet inby the first door, the slope of the mine floor descended at 21.2 % for a distance of 20 feet. The slope then averaged 10.8 % to the second door (see Drawings on pages iii and iv).
- The airlock doors were anchored to the mine roof and hinged for their entire length enabling them to be raised by an electric hoist. The airlock doors raised in the inby direction.
- Both airlock doors were constructed of sheet and channel metal with rubber flaps attached to the outer edges for sealing purposes.
- The track rails were wet at the time of the accident.
- According to John Campbell, a passenger in the second vehicle, the victim was sitting upright as his vehicle entered the mine.

## CONCLUSION

Gary S. Addair, Roof Bolter/Mantrip Operator, received fatal injuries when he lost control of the track mantrip he was operating and ran through a metal airlock door.

## ENFORCEMENT ACTIONS

The following "Notice of Violation" was cited during this investigation and may have contributed to the occurrence of this accident.

### Notice of Violation No. 1

22A-2-37(o)

The headlights (front and rear) on the mantrip were not operable at the time they were checked.

The following Notice of Violation was also cited during this investigation. However, it could not be determined if the condition existed prior to this accident or was caused by the derailment.

Notice of Violation No. 2

22A-2-49(e)

The sanding devices on the inby end of the mantrip were not operable at the time they were tested.

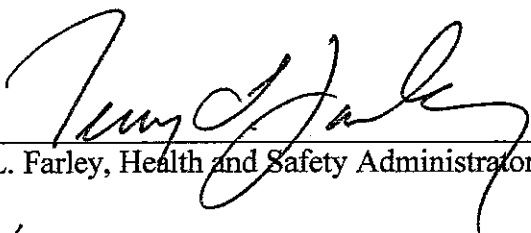
**RECOMMENDATIONS**


1. The track in the drift opening entry was removed, and the mine floor graded to minimize the severity of the slope (see Drawing on page v).
2. The airlock doors were relocated to allow them to be operated at a location where slope is less severe (see Drawing on page vi).
3. Mine management will designate specific individuals to operate mantrips. All operators will receive task and hazard training with respect to the vehicles every three months.
4. Track mounted vehicles at this operation will be upgraded to provide sand reservoirs with larger capacities.
5. An electrical track/spur diversion switch was installed at the bottom of the grade where the track starts over into the belt entry.


**ACKNOWLEDGMENT**

The West Virginia Office of Miners' Health, Safety and Training acknowledges the cooperation of Raw Coal Mining Company, Inc., True Line, Inc., Southern Safety and the Mine Safety and Health Administration during this investigation.

Respectfully submitted:

  
 Terry L. Farley, Health and Safety Administrator 5-3-04  
Date

  
 Fred B. Stinson, Inspector-at-Large 4-27-04  
Date

  
 Bobby J. Thomsbury, Electrical Inspector 25 4-27-04  
Date

## **APPENDIX**

- Mine Data Sheet
- Victim Data Sheet
- List of Persons Providing Information/or Present During the Investigation

**MINE INFORMATION**

COMPANY NAME Raw Coal Mining Company, Inc.

MINE NAME Cucumber

WV PERMIT U-4016-94B MSHA PERMIT NO. 46-08580

ADDRESS P.O. Drawer 1030, Bluefield, VA 24605

COUNTY McDowell PHONE NUMBER 304-875-2272

DATE PERMIT ISSUED November 1, 2002

WORKING STATUS Active

LOCATION Big Creek Hollow near Newhall, WV

UNION \_\_\_\_\_ NON-UNION X

DAILY PRODUCTION 845 Tons

ANNUAL PRODUCTION TO DATE 32,075 Tons

TOTAL EMPLOYEES 40

NUMBER OF SHIFTS 3

NAME OF COAL BED Pocahontas No. 3

SEAM THICKNESS 42" Average

ACCIDENT INCIDENT RATE N/A LOST TIME ACCIDENTS None Reported

TYPE OF HAULAGE Belt

WVOMHST INSPECTOR Brad Justice 149

DATE OF LAST INSPECTION December 18, 2003

NOTIFIED BY Eddie Asbury

TIME OF NOTIFICATION 8:15 a.m.

CMSP – ANNIVERSARY DATE December 1, 2004 - Renewed November 12, 2003

CMSP – CONTACT PERSON Donnie Coleman

**VICTIM INFORMATION**

NAME OF VICTIM Gary S. Addair

ADDRESS P.O. Box 845, Jaeger, WV 24844

AGE 26 SOCIAL SECURITY NUMBER [REDACTED]-1746

TOTAL MINING EXPERIENCE Approximately 4 Years

EXPERIENCE AT THIS MINE 1 Year

AVERAGE NUMBER OF DAYS WORKED PER WEEK 5 Days

AVERAGE NUMBER OF HOURS WORKED PER WEEK 40 Hours PER DAY 8 Hours

LENGTH OF SHIFTS AT MINE 8 Hours TRAVEL TIME TO/FROM WORK 45 Minutes

OCCUPATION AT TIME OF ACCIDENT Mantrip Operator

REGULAR OCCUPATION Roof Bolter

COAL MINER'S CERTIFICATION NUMBER 2-4796 August 8, 2000

OTHER CERTIFICATIONS \_\_\_\_\_

SPOUSE'S NAME Jolena L. Addair

DEPENDENTS 4

DATE OF ACCIDENT 10th DAY OF February, 2004.

AT 7:35 O'CLOCK a.m.

CAUSE OF ACCIDENT Gary S. Addair was operating the #2 mantrip; and as he entered the mine, the mantrip ran away going through a metal door and pinning him against the top of the mantrip.

DATE OF DEATH: 10<sup>th</sup> DAY OF February, 2004.

## INVESTIGATION

The following persons were present during the on-site investigation conducted on February 10, 2004:

### RAW COAL MINING COMPANY, INC.

Eddie Asbury	Owner/Director
Donnie Coleman	Safety Consultant
Randy Campbell	Mine Foreman
John Dillon	Section Foreman

### TRUE LINE, INC.

Ernest Murray	Engineer
James Rambo	Engineer

### MINE SAFETY AND HEALTH ADMINISTRATION

John Pyles	District Supervisor
Dave Ratcliff	Supervisor
Harold Hayhurst	Investigator
Rocky Sperry	Electrical Inspector
John Sylvester	Coal Mine Inspector

### WEST VIRGINIA OFFICE OF MINERS' HEALTH, SAFETY AND TRAINING

Bobby J. Thornsbury	Electrical Inspector 25
Dwight McClure	Roof Control Inspector 31
Janice Molineaux	District Mine Inspector 84

## INVESTIGATION

The following persons were present on February 11, 2004, during investigation interviews.

### RAW COAL MINING COMPANY, INC.

Eddie Asbury	Owner/Director
Howard Mitchell*	Shuttle Car Operator
Roger Fowler*	Shuttle Car Operator
Pete Day*	Continuous Miner Operator
Scott Stinson*	Roof Bolter
John R. Campbell*	Electrician
David Baker*	Supplyman
John Dillon*	Section Foreman
Randy Campbell	Mine Foreman
Larry Blankenship	Electrician
Julia Shreve	Attorney - Jackson & Kelly
Jill M. Ohenchain	Attorney - Jackson & Kelly

### TRUE LINE, INC.

James Rambo*	Engineer
Ernest Murray *	Engineer

\*Denotes Persons Interviewed

### SOUTHERN SAFETY

Donald R. McGann	Consultant
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### MINE SAFETY AND HEALTH ADMINISTRATION

Harold Hayhurst	Investigator
Rocky Sperry	Electrical Inspector
Jim Beha	Investigator
Jesse Cole	Investigator
Preston White	Safety Instructor
Link Self	Supervisor
Gary Clark	Technical Support
Dave Ratcliff	Supervisor
John Sylvester	Coal Mine Inspector

### WEST VIRGINIA OFFICE OF MINERS' HEALTH, SAFETY AND TRAINING

Terry L. Farley	Health & Safety Adm.
Fred B. Stinson	Inspector-at-Large
Bobby J. Thornsby	Electrical Inspector 25
Dwight McClure	Roof Control Inspector 31



## INVESTIGATION

The following persons were present during the on-site investigation conducted on February 11, 2004:

### RAW COAL MINING COMPANY, INC.

Eddie Asbury	Owner/Director
Larry Blankenship	Electrician
John Dillon	Section Foreman
Randy Campbell	Mine Foreman

### SOUTHERN SAFETY

Donald R. McGann	Consultant
------------------	------------

### MINE SAFETY AND HEALTH ADMINISTRATION

Harold Hayhurst	Investigator
Rocky Sperry	Electrical Inspector
Preston White	Safety Instructor
Gary Clark	Technical Support

### WEST VIRGINIA OFFICE OF MINERS' HEALTH, SAFETY AND TRAINING

Terry L. Farley	Health & Safety Adm.
Bobby J. Thornsbury	Electrical Inspector 25
Dwight McClure	Roof Control Inspector 31

## INVESTIGATION

### RAW COAL MINING COMPANY, INC.

The following persons were present during the on-site investigation conducted on February 12, 2004

Eddie Asbury	Owner/Director
Randy Campbell	Mine Foreman
John Dillon	Section Foreman
Billy Mullins*	Section Foreman
David Baker*	Supplyman
William B. Hagy*	Outside Man
John Campbell*	Electrician
Larry Blankenship*	Electrician

\*Denotes Persons Interviewed

### MINE SAFETY AND HEALTH ADMINISTRATION

Harold Hayhurst	Investigator
Rocky Sperry	Electrical Inspector
Gary Clark	Technical Support

### WEST VIRGINIA OFFICE OF MINERS' HEALTH, SAFETY AND SAFETY

Terry L. Farley	Health & Safety Adm.
Bobby J. Thornsbury	Electrical Inspector 25

Region 2  
Case No. 25-0975  
Violation No. 1

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

NOTICE OF VIOLATION

Company / Operator Raw Coal Mining Co. Inc. Contractor: Yes X No  
Permit Number U-4016-94B Mine Name Cucumber  
Date of Issue 4-5, 2004 Time 1:00 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 \_\_\_\_\_, Article \_\_\_\_\_, Section \_\_\_\_\_ and/or West Virginia Administrative Regulation: Title 36, Series 18, Section 4.1 exists as follows:

An electrical safety foot switch (commonly known as a deadman) was installed on the number 2 track mounted vehicle. When activated the switch de-energizes the electrical panel, tram control, electric dynamic brake, and sets the park brake. When examined it was determined that the system was not maintained as installed. The system had been overridden to the extent that the brake lines had been disconnected from an electrical solenoid that applies the park brake when power is removed from the solenoid by the activation of the safety switch.

Type of Issuance: N.O.V. X Order Activation of the safety switch.  
Area or equipment (if order is issued): The brake lines had been connected to manual dump valves

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

Action taken to abate the violation: \_\_\_\_\_

Company / Operator Agent Served: Randy Campbell  
Authorized Representative: Gibby J. Thurling Inspector No. 25

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) X 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) \_\_\_\_\_

Legligence: None (0) \_\_\_\_\_ Low (10) X Moderate (15) \_\_\_\_\_ High (20) \_\_\_\_\_

Knowing Violation: No X Yes \_\_\_\_\_ Repeat \_\_\_\_\_

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

Non-compliance (extenuating circumstances) (0%) \_\_\_\_\_ Extra effort (-15%) \_\_\_\_\_

OFFICE OF  
MINERS' HEALTH, SAFETY AND TRAINING

1615 Washington Street East  
Charleston, West Virginia 25311-2126

Region 2  
Case No. 25-0994  
Violation No. 1

NOTICE OF VIOLATION

Company / Operator RAW Coal Mining Co Inc Contractor: Yes  No   
Permit Number U-4016-94B Mine Name Cucumber  
Date of Issue \_\_\_\_\_, 20\_\_ Time \_\_\_\_\_ 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 2, Section 3 (c) and/or West Virginia Administrative Regulation: Title \_\_\_\_\_, Series \_\_\_\_\_, Section \_\_\_\_\_ exists as follows:

The head lights (front and rear) on the mantrap were not operable at the time that they were checked.

Type of Issuance: N.O.V.  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 \_\_\_\_\_ a.m. \_\_\_\_\_ p.m. on \_\_\_\_\_ 20\_\_

Action taken to abate the violation: will be abated when mantrap is returned from shop

Company / Operator Agent Served: Randy Campbell

Authorized Representative: Bobby J. Shunk Inspector No. 25

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%) \_\_\_\_\_

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 2  
Case No. 25-0974  
Violation No. 2

NOTICE OF VIOLATION

Company / Operator Raw Coal Mining Co. Inc Contractor: Yes X No       
Permit Number U-4016-943 Mine Name Cucumber  
Date of Issue     , 20      Time      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 2, Section 49(e) and/or West Virginia Administrative Regulation: Title     , Series     , Section      exists as follows:

The sanding devices on the lobby end of the mantrips were not operable at that time that they were tested.

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      a.m.      p.m. on      20     

Action taken to abate the violation: will be abated when mantrip is returned from shop

Company / Operator Agent Served: Randy Campbell

Authorized Representative: Bobba J. Hummel Inspector No. 25

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