
WEST VIRGINIA OFFICE of MINERS' HEALTH, SAFETY and TRAINING

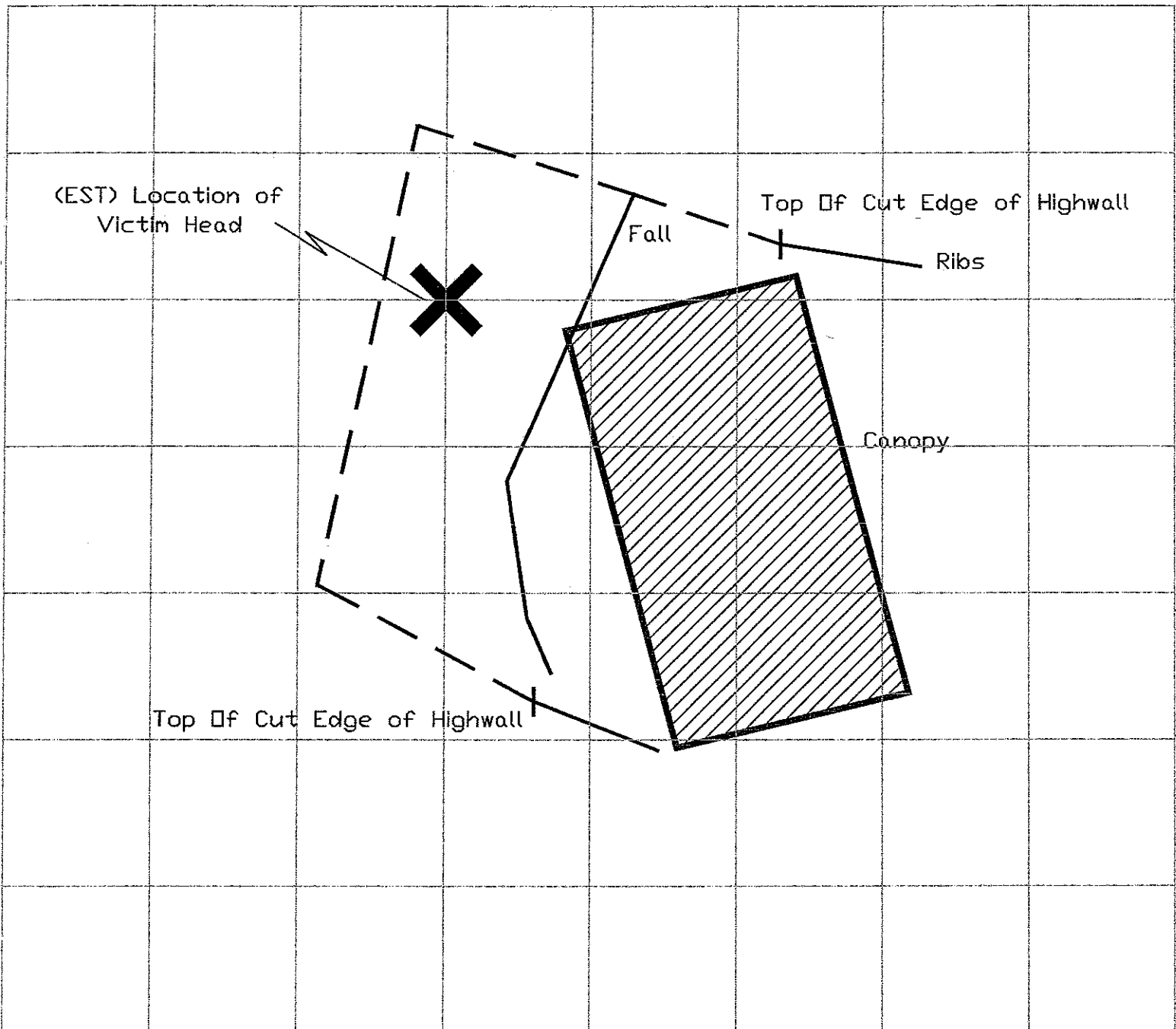
December 15, 2005

Fatal Roof/Highwall Fall Accident Investigation Report
Arjay Mining, Inc.
Adkins Branch Mine No. 1A
Permit No. U-4012-00A

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

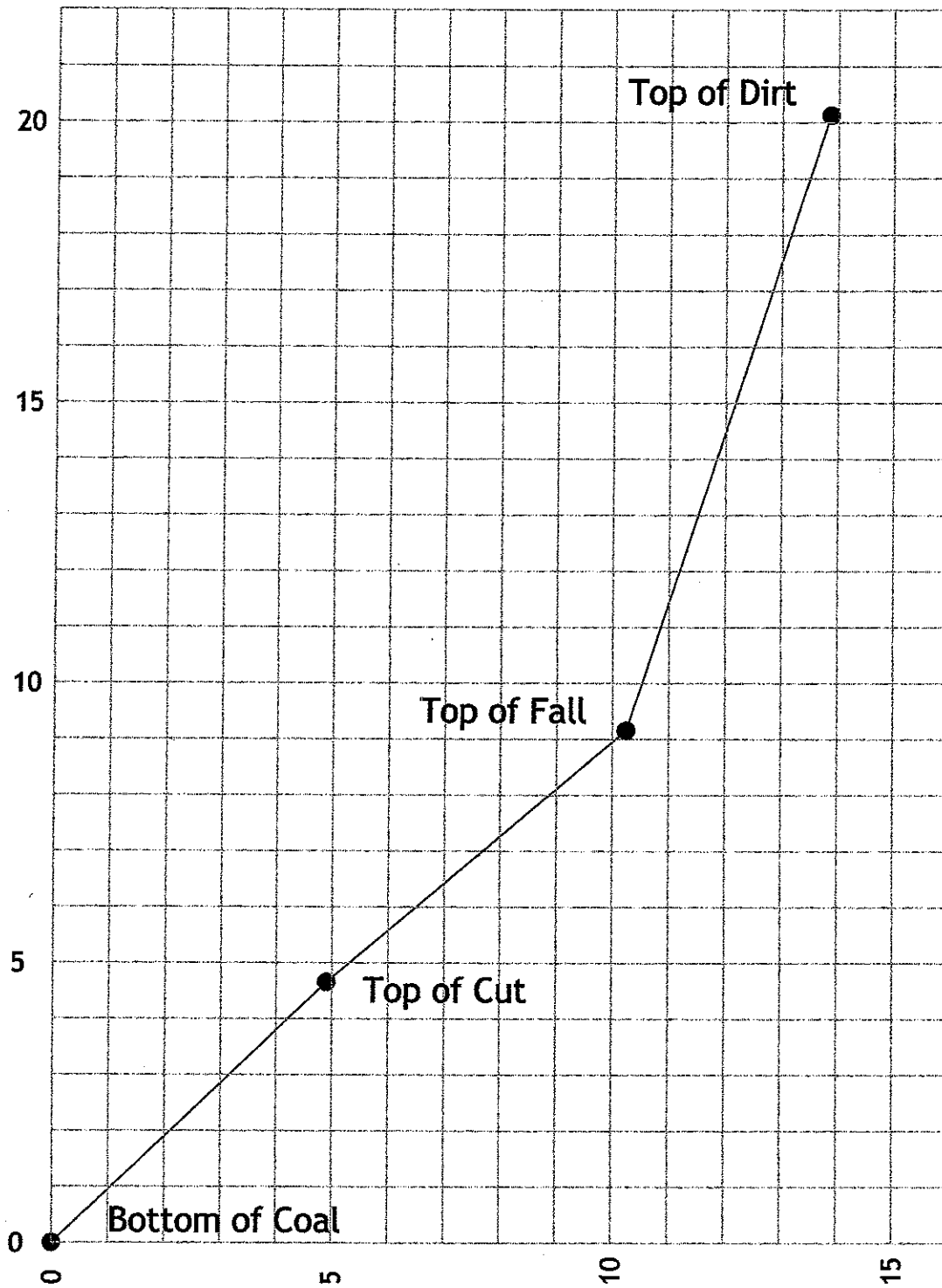
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Arjay Mining, Inc.
 Adkins Branch Mine No. 1A
 MSHA Id: 46-09106
 State Id: U-4012-00
 Scale 1"=5'

Mine Fatality
 12-15-05
 Surveying Done By P&A Engineering
 on 12-16-05
 — — Estimated



Arjay Mining, Inc.
 Adkins Branch Mine No. 1A
 MSHA Id: 46-09106
 State Id: U-4012-00
 Scale 1"=3'

Mine Fatality
 12-15-05
 Surveying Done By P&A Engineering
 on 12-16-05

Fatal Roof/Highwall Fall Accident Investigation Report
Arjay Mining, Inc.
Adkins Branch Mine No. 1A
Permit No. U-4012-00A

GENERAL INFORMATION

Denny J. East, a 35-year-old roof bolting machine operator from Longpole, McDowell County, WV, suffered fatal crushing injuries in a roof/highwall fall accident at 12:40 p.m. on Thursday, December 15, 2005. Mr. East was preparing to install permanent roof supports in the first cut of a new mine when the roof/highwall collapsed. The entry had only been advanced ten feet from the surface. Mr. East had 11 years underground mining experience and had been employed one week at this mine. The accident occurred at the Arjay Mining, Inc., Adkins Branch No. 1A Mine, located near Litwar in McDowell County, WV.

Rosie Ritchie, a representative of Arjay Mining, Inc. notified the Welch office of the WV Office of Miners' Health, Safety and Training at approximately 1:35 p.m. the same day. A joint investigation with the Mine Safety and Health Administration (MSHA) was started immediately.

Arjay Mining, Inc. was permitted to commence operation of the Adkins Branch No. 1A Mine on December 8, 2005. Coal Production began on December 12, 2005. The mine currently employs four people on one shift. Coal was being mined from the Lower War Eagle seam.

OMHST permit records list the owner of Arjay Mining, Inc. as Michael Tolbert. Arjay Mining, Inc. is a contractor for Riverside Energy Company, LLC. Tolbert stated during a post accident interview that O. A. Stump, Jr. was the person who is the actual owner and provides overall direction at the mine. Stump, who initially identified himself as a "worker" at the mine confirmed this arrangement during a similar interview. Tolbert and Stump stated that the arrangement was made for personal reasons.

Tolbert and Stump stated that they had first visited this site approximately six weeks prior to the commencement of production in the company of Riverside Energy Company, LLC representatives, Sam Hatcher and Robbie Ortiz. Tolbert and Stump stated that work to prepare the highwall face-up for underground mining had been completed at that time. Tolbert and Stump believed that the highwall face-up work had been done by a contractor secured by Riverside Energy Company, LLC.

DESCRIPTION

The employs of Arjay Mining, Inc. began their shift at 7:00 a.m. on Thursday, December 15, 2005. Mining started in the No. 1 Entry. Continuous mining machine operator, Roger Sexton, mined the first cut from what was to be the No. 1 Entry. Roof bolting machine operators, Johnny Gorsky and Denny J. East, began the shift by bolting the No. 2 Entry. Gorsky and East installed one metal strap requiring four bolts before moving the roof bolting machine to

the No. 3 Entry. Gorsky and East then proceeded to bolt the No. 3 Entry by installing four metal straps while mining continued in the No. 1 Entry.

Continuous Miner operator, Roger Sexton, stated that he became cold while mining the No. 1 Entry and shut down the machine to go to the mine office to warm up for approximately 20 minutes before completing the first cut in the No. 1 Entry. The coal mined from the No. 2 Entry was loaded into the bucket of an end-loader operated by O. A. Stump, Jr. Upon completion of mining, the No. 1 Entry was examined by Sexton, Stump and Mine Foreman, J. C. Woolridge, before a canopy was put into place against the highwall.

Roof Bolt Operator, Johnny Gorsky, stated that East trammed the roof bolting machine into the No. 1 Entry face immediately after the canopy was put into place. Gorsky stated that East trammed the machine into the place and against the face and pressurized the machine's ATRS (Automated Temporary Roof Support) against the roof. Gorsky stated that East got a metal strap from the rear of the machine in preparation for installation. Gorsky stated that East then decided to reposition the machine in order to position the strap properly. Gorsky stated that East disengaged the ATRS and moved the machine approximately six inches. Gorsky stated that the metal strap was placed on top of the machine's two canopies which were then pressurized against the roof. Gorsky stated that he did not know if East reset the ATRS against the roof. Gorsky stated that he heard the roof/highwall break as he was facing the rear of the machine and that he called out to East as he was running toward the rear of the machine away from the face.

The accident occurred at approximately 12:40 p.m. Gorsky ran to the office trailer to seek assistance after quickly determining that he could do nothing to remove the fallen material. J. C. Woolridge, Roger Sexton and Ricky Johnson, a trainee miner, were eating lunch at the office trailer. Woolridge attempted unsuccessfully to call for assistance on a cellular phone, and then immediately left the site in a vehicle to travel to a mine approximately four miles away to use a telephone. Woolridge encountered O. A. Stump, Jr. enroute and told him what had happened before continuing to the nearby mine.

When he arrived at the other mine, J. C. Woolridge asked Rages Matney to contact the McDowell County Rescue Squad to dispatch an ambulance to the site. Rages Matney, being an EMT at the other mine, returned to the Arjay mine site with J. C. Woolridge to assist in recovery work. Mr. Matney approached the site of the victim located under the fallen material in the No. 1 Entry and could only make a quick assessment of his vital signs due to the possibility of more falling material. Mr. Matney was able to check the victim's lower extremities (legs), as this was the only portion of the body that was visible and there was no response by the victim.

Upon receiving a call at 1:35 p.m., Electrical Inspectors, Bobby Thonsbury and Bill Lawson, were dispatched from the Welch office at 1:45 p.m. and Fred Stinson, Inspector-at-Large, responded shortly thereafter.

Upon arrival at the mine site at 2:30 p.m., a plan of recovery was initiated. An excavator belonging to a local contractor was brought to the site by Machine Operator, Johnny Mayhew, employee of Litwar Preparation Plant. To recover the victim in a safe manner, the roof bolt machine had to be removed from the face area and the excavator positioned so as to remove the large boulders and rock from around the victim. The first attempt to do so was futile in that the

excavator boom and bucket could not be lowered enough to remove the material with the drift canopy in position. It was decided at this time that the canopy be removed (set aside) by using the excavator to do so. At this time as much material as possible was removed using the excavator as the operator exercised great care not to disturb the body of the victim. The drift canopy was placed back into the face area in a diagonal position and two sheets of canopy metal were slid back underneath the remaining overhanging rock, at which time the excavator boom was extended across the top of the canopy and the bucket was placed against the face and top to stabilize the area and prevent any further movement of material. The remaining rock and material was removed by hand as the area was closely monitored for any possible movement of other earthen material.

The victims body was extricated at 6:20 p.m., December 15, 2005, placed on a stretcher (backboard) and loaded into an ambulance and transported to Welch Community Hospital.

FINDINGS OF FACT

1. Production started at the mine on December 12, 2005.
2. The mine's highwall face-up construction had been done by a contractor employed by Riverside Energy Company, LLC according to O. A. Stump, Jr. and Michael Tolbert.
3. The first cut from the No. 1 Entry had been mined to a depth of ten feet.
4. Continuous Mining Machine Operator, Roger Sexton, stated that upon completion of the first cut in the No. 1 Entry, he pressurized the machine's ripper head against the mine roof twice for purposes of testing the roof.
5. Roof Bolt Operator, Johnny Gorsky, stated that Mr. East initially trammed the roof bolting machine into the No. 1 face and pressurized the machine's ATRS against the mine roof before deciding to reposition the machine moments later. Gorsky did not know if East re-pressurized the ATRS against the roof after repositioning the machine. The fall occurred within a minute after the machine was repositioned.
6. Mr. Gorsky and Mr. East were also attempting to position a metal strap (J Channel) in preparation of bolting it to the top.
7. The weather conditions were not favorable on this date. It was raining at a drizzle, foggy and very cool, this contributed to failure of persons involved to make an accurate assessment of the mining conditions at this time.
8. In response to the falling of the roof material, Denny J. East, victim, elected to run toward the working face into an area of unsupported top in by the ATRS support beam resulting in him being struck by and covered up.

CONCLUSION

Denny J. East was fatally injured when he was trapped beneath fallen rock during the collapse of mine roof/highwall material while attempting to perform roof bolting duties in the first cut mined in the No. 1 Entry extending from the surface.

ENFORCEMENT ACTIONS

An Order of Withdrawal was issued to preserve the scene of the accident.

An Order of Violation relative to the accident was issued under WV Code Chapter 22A, Article 2, Section 25C/Administrative Regulation Title 36, Series 10, Section 12.1.

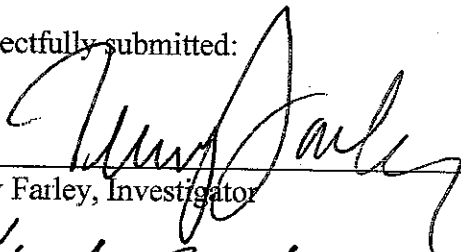
RECOMMENDATIONS

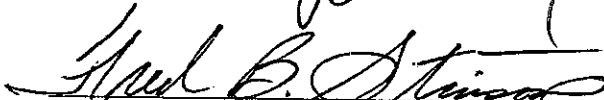
1. Mine management shall train all persons as to proper examination of mine roof and highwall conditions prior to any further mining at this operation. A representative of the Office of Miners' Health, Safety and Training shall be present during this training.
2. A supplemental revision to the Approved Roof Control Plan shall be submitted and approved by this office. Such plan shall give in detail the manner in which management is to assure that the mine roof/highwall is to be controlled safely prior to all initial mining cuts being taken at all the mine drift openings at this mine.

ACKNOWLEDGMENT

The West Virginia Office of Miners' Health, Safety and Training acknowledges the cooperation of the management and employees of Arjay Mining, Inc., the Mine Safety and Health Administration and the exceptional recovery work performed by Terry Matney, Rages Matney and Johnny Mayhew during this investigation.

Respectfully submitted:


 Terry Farley, Investigator 1-25-06
Date


 Fred B. Stinson, Inspector-at-Large 1-20-06
Date

Bobby J. Thornsberry - 25 1-20-06
Bobby J. Thornsberry, Electrical Inspector #25 Date

William R. Lawson 185 1-20-06
William R. Lawson, Electrical Inspector #185 Date

APPENDIX

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

MINE INFORMATION

COMPANY NAME Arjay Mining, Inc.

MINE NAME Adkins Branch Mine No. 1A

WV PERMIT S-4012-00 MSHA PERMIT NO. 46-09106

ADDRESS P.O. Box 23, Newhall, WV 24866

COUNTY McDowell PHONE NUMBER Cell 276-971-2121

DATE PERMIT ISSUED December 8, 2005

WORKING STATUS Working

LOCATION Adkins Branch Near Iaeger, WV 24844

UNION _____ NON-UNION X

DAILY PRODUCTION New Operation

ANNUAL PRODUCTION TO DATE New Operation

TOTAL EMPLOYEES 4

NUMBER OF SHIFTS 1

NAME OF COAL BED Lower War Eagle

SEAM THICKNESS 48"

ACCIDENT INCIDENT RATE NA LOST TIME ACCIDENTS NA

TYPE OF HAULAGE Shuttle Cars

WVOMHST INSPECTOR Jerry Bailey

DATE OF LAST INSPECTION NA

NOTIFIED BY Rosie Ritchie

TIME OF NOTIFICATION 1:35 p.m.

CMSP -- ANNIVERSARY DATE 11-18-06

INVESTIGATION

The following persons were present during the on-site investigation and recovery operations conducted on December 15, 2005:

ARJAY MINING, INC.

O. A. Stump, Jr.	Equipment Operator
J. C. Woolridge	Superintendent/Mine Foreman
Roger Sexton	Electrician/Continuous Mine Operator
Johnny Gorsky	Roof Bolt Machine Operator
Ricky Johnson	Utility Man/Trainee
Donnie Coleman	Safety Consultant

BROOKS RUN MINING COMPANY, LLC

Terry Matney	Foreman/Assisted in recovery
Rages Matney	EMI/Assisted in recovery

LITWAR PROCESSING, LLC

David Dalton	Assisted in recovery
Johnny Mayhew	Mobile Equipment Operator/Assisted in recovery

MINE SAFETY AND HEALTH ADMINISTRATION

Jesse Cole	District Manager
Luther Mairs	Assistant District Manager
Jules Gautier	District Supervisor
Jim Humphrey	Accident Investigator
Roger Richmond	Supervisor

WEST VIRGINIA OFFICE OF MINERS' HEALTH, SAFETY AND TRAINING

C. A. Phillip	Deputy Director
Mike Rutledge	Safety Instructor
Fred B. Stinson	Inspector-at-Large
Bobby J. Thornsbury	Electrical Inspector
William R. Lawson	Electrical Inspector

INVESTIGATION

The following persons were present during the formal interviews conducted on December 16, 2005:

ARJAY MINING, INC.

Michael Tolbert	Owner
J. C. Woolridge	Superintendent/Mine Foreman
Roger Sexton	Electrician/Continuous Mine Operator
Johnny Gorsky	Roof Bolt Machine Operator
Ricky Johnson	Utility Man/Trainee
Donnie Coleman	Safety Consultant

MINE SAFETY AND HEALTH ADMINISTRATION

Jesse Cole	District Manager
Luther Marrs	Assistant District Manager
Jim Humphrey	Accident Investigator
Roger Richmond	Supervisor
Sherman Slaughter	Ground Control Specialist/ Accident Investigator

WEST VIRGINIA OFFICE OF MINERS' HEALTH, SAFETY AND TRAINING

Terry Farley	Investigator
Fred B. Stinson	Inspector-at-Large