

West Virginia Office Miners' Health, Safety and Training

August 17, 2004

**Report of a Rib Fall Fatality
(Underground Coal Mine)**

**McElroy Coal Company
McElroy Mine
Permit No. U-33-83**

**Region 1 Office
205 Marion Square
Fairmont, West Virginia 26554
Brian Mills, Inspector-At-Large**

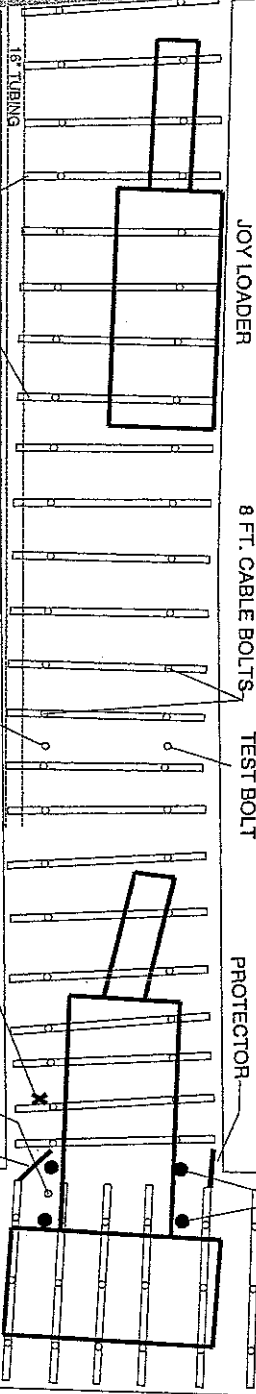
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5 NORTH SUBMANS

ENTRY #5

Face Wedged
Area Bolled
Not Surveyed



CROSSCUT #30

ENTRY #6

Face Squared
Area Bolled
Not Surveyed

8 FT. CABLE BOLTS
RIB PROTECTOR
VICTIM
DRILL UNIT
RIB PROTECTOR

JOY MINNER #5374

**Report of a Rib Fall Fatality
McElroy Coal Company
McElroy Mine
Permit No. U-33-83**

GENERAL INFORMATION

A fatal rib fall accident occurred at approximately 4:15 a.m. on August 17, 2004 at the McElroy Coal Company, McElroy Mine. The accident occurred on the 5 North Mains Right Side Section. Mr. Joseph Sabo, age 57, was fatally injured when struck by the coal and rock rib along the right side of the Joy continuous miner.

Bill Blackwell, Safety Supervisor for the McElroy Coal Company notified Brian Mills, Inspector-At-Large with the Office of Miners' Health, Safety and Training at home, of the accident at approximately 5:05 a.m. on August 17, 2004. A joint investigation with the Mine Safety and Health Administration was started immediately.

DESCRIPTION

The McElroy Coal Company, McElroy Mine is a slope and shaft mine, which produces coal in the Pittsburgh seam and is located near Glen Easton in Marshall County. Mining is conducted with two longwall units and five continuous miner units. Employees and supplies are transported by rail. Coal is removed from the mine exclusively by conveyor belt. The mine utilizes the practice of miners changing at the face.

On Tuesday, August 17, 2004, the 5 North Mains Right Side crew entered the mine at their normal starting time at twelve midnight, under the direction of section foreman Bernie Lewis (employee of Dave Stanley Consultants, Inc.). The right side crew consisted of Robert Stack, continuous miner operator, Earl Burkhart, loading machine operator, Frank Persiani, left side roof bolter, Joseph Sabo, victim, right side roof bolter, Theodore Bier, shuttle car operator, Robert Hite, shuttle car operator, Jere Brown, center bolter, Richard Opic, center bolter, Melvin Melott, mechanic and Michael Barnhart, continuous miner utility man. The crew traveled by track mounted vehicle to the 5 North Mains section, arriving at approximately 12:55 a.m. Mr. Bernie Lewis held a safety meeting with the crew and then proceeded to examine the right side working faces #4 thru #7. Mr. Dan Beam, section foreman from the afternoon shift, apprised him of the activities of his shift. The continuous miner was located in the face of the crosscut being mined between the number 5 and number 6 entry, at survey station 38+82.

The crosscut had approximately twenty feet to mine to hole into the number 6 entry. The crew backed the continuous miner out of the face to service and supply the miner. Production began at approximately 1:40 a.m.

The remote controlled Joy miner utilized on the right side of the 5 North Mains section is equipped with integral mounted roof bolters, an ATRS support system, and

a rib protector for both roof bolter operators. The mine is using 15 feet long pre-drilled steel channel, with two eight-foot cable bolts to support the roof. Prior to the accident the rib along the left side of the crosscut was working and Mr. Frank Persiani borrowed the slate bar off the loading machine so both miner bolters would have a slate bar. Loose ribs were taken down on both sides of the crosscut being mined prior to the accident. As the continuous miner was about to hole into the number six entry the rib conditions along both sides appeared to improve. After the crosscut intersected the number six entry, the crew made preparation for mining in the number six entry, while the miner operator and both roof bolters planked thru the area. After aligning the last channel to position it along the left rib line of the number six entry, the bolter operators pressurized the ATRS system and rib protectors. Mr. Stack climbed atop the continuous miner to view the water sprays. While on the miner, he decided to stay and watch the ribs for the bolter operators.

At approximately 4:15 a.m. Mr. Stack noticed the right rib starting to break and yelled to Mr. Sabo to "get out of there". Mr. Barnhart, who was standing in the intersection in number six entry, heard Mr. Stack and he began yelling to Mr. Sabo to "get out of there". Mr. Sabo turned and took approximately two steps, placed his left hand against the coal rib at this time the rib fell knocking him into the continuous miner. The rib was estimated to be approximately twenty feet long, five feet high and up to ten inches thick. It broke into two pieces after striking Mr. Sabo. Mr. Stack and Mr. Barnhart began to attend to Mr. Sabo, while Mr. Persiani ran to get help from the other crew members. Mr. Thomas Tyler, roof bolter operator working on the left side section was summoned to assist in treating Mr. Sabo. Mr. Tyler is an EMT. The victim was placed on a stretcher, an AED and cervical collar placed on him, and transported to the surface. CPR was administered during the entire trip out of the mine. The ambulance crew, from Tri-State Ambulance Service, was waiting on the surface and tried to resuscitate. Med. Com was notified by the ambulance crew and Mr. Sabo was pronounced dead at 5:22 a.m. by Med. Com., on the surface at the Blake's Ridge Portal. He was then transported to the Reynolds Memorial Hospital Morgue, in Glen Easton, West Virginia.

FINDINGS OF FACT

1. The victim was struck by a coal and rock rib fall pushing him into the continuous mining machine.
2. Prior to the accident the victim was positioned at the integral bolter control station on the right side of the continuous mining machine.
3. The Joy (Remote Control) mining machine was equipped with devices referred to as rib protectors.
4. The rib protectors are located on both sides of the continuous mining machine in the vicinity of integral bolter control stations.
5. Mr. Robert Stack, Continuous Miner Operator, stated that he noticed the right rib breaking and cautioned the victim by yelling at him three (3) times.
6. Loose ribs were observed during the on-site investigation at several areas of the 5 North Mains section.
7. During an examination of the 5 North Mains (Right Side) Joy 14CM it was found that the right side rib protector had two pins missing. The upper and lower stop pins were not in the holes provided for them. These two pins limited the distance the outer portion of the rib protector could swing in toward the frame of the miner. The missing pins were not a contributing factor to the fatal injury.

CONCLUSION

While working in the last open crosscut from No. 5 to No. 6 entries on the 5 North Mains section (Right Side) Mr. Joseph F. Sabo was fatally injured when he was struck by a falling section of coal and rock rib and was pushed into the continuous mining machine.

ENFORCEMENT ACTION

The following enforcement action was taken as part of the investigation.

A non-assessed control order was issued in accordance with West Virginia Code Chapter 22A, Article 2, Section 68.

The West Virginia Office of Miners' Health, Safety and Training issued three (3) Notices of Violation during the investigation.

One of these violations was considered to have contributed to the accident and was written as follows:

The West Virginia Code Chapter 22A, Article 2, Section 25(a)

It was revealed during the investigation that ribs were not supported or controlled adequately to protect persons from a fall of the rib in the crosscut from No. 5 to No. 6 entries at 30 Block of the 5 North Mains (Right Side) section. Mr. Joseph F. Sabo suffered fatal injuries when he was struck by a large section of coal and rock rib that pushed him into the continuous miner machine. The rib fall started near the No. 6 intersection and continued outby toward No. 5 intersection for a distance of approximately twenty (20) feet. The falling section of rib was approximately five (5) feet in height and approximately ten (10) inches in width.

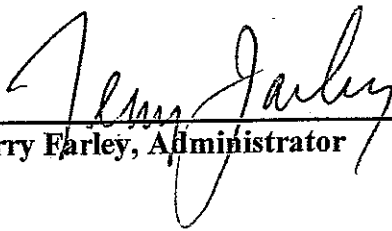
RECOMMENDATIONS

Mine management shall have a safety meeting with employees of the mine to discuss the fatal accident. Mine management shall submit as a modification to the control order information regarding rib support (See Attachment No.1). Mine management shall add to the roof control plan rib support specifications (See Attachment No.2).

ACKNOWLEDGEMENT

The West Virginia Office of Miners' Health, Safety and Training, gratefully Acknowledges the cooperation of the employees and management of McElroy Coal Company, Consolidation Coal Company, Consol Energy, the United Mine Workers of America and the Mine Safety and Health Administration during this investigation.

Respectfully submitted:



Terry Farley, Administrator

9-20-04

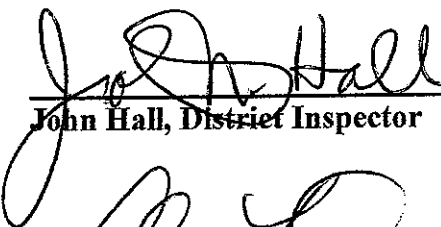
Date



Brian Mills, Inspector-At-Large

9/23/04

Date



John Hall, District Inspector

9/27/04

Date



Alan Lander, Safety Instructor

9/27/04

Date

APPENDIX

- * **Mine Data Sheet**
- * **Victim Data Sheet**
- * **List of persons providing information or present during the investigation**
- * **Attachments**

MINE INFORMATION DATA SHEET

COMPANY: McElroy Coal Company

MINE NAME: McElroy Mine

WV PERMIT: U-33-83

ADDRESS: RD 1, Box 67A, Glen Easton, WV 26039

COUNTY: Marshall

DATE PERMIT ISSUED: May 16, 1988

WORKING STATUS: Active

LOCATION: Blakes Ridge, Glen Easton

UNION: X Non-Union: _____

TOTAL EMPLOYEES: 635 NUMBER OF SHIFTS: 3

COAL SEAM NAME AND THICKNESS: Pittsburgh #8 - 62 Inches

TYPE OF HAULAGE: Belt Coal Haulage - Track Supplies & People

WVOMHST INSPECTOR: Colin D. Simmons

DATE OF LAST INSPECTION: June 25, 2004

NOTIFIED BY: William Blackwell

NOTIFICATION: Telephone to Brian Mills home

CMSP-ANNIVERSARY DATE: April 28, 2005

CMSP-CONTACT PERSON: Thomas Coram

VICTIM INFORMATION DATA SHEET

NAME: Joseph Sabo

ADDRESS: RD #1, Box 135, Glen Easton, WV 26039

TELEPHONE NO.: (304) 845-3159

AGE: 57 SOCIAL SECURITY NO.: xxx-xx-1843

TOTAL MINING EXPERIENCE: 13 Years 7 Months

EXPERIENCE AT THIS MINE: 1 Year 7 Months

AVERAGE NUMBER OF DAYS WORKED PER WEEK: 6

AVERAGE NUMBER OF HOURS WORKED PER WEEK: 60 PER DAY: 9-10

LENGTH OF SHIFTS AT THIS MINE: 9 - 10 Hours

OCCUPATION AT TIME OF ACCIDENT: Miner Bolter

REGULAR OCCUPATION: Miner Bolter

COAL MINER'S CERTIFICATION: 1-23531

OTHER CERTIFICATIONS: _____

SPOUSE'S NAME: Starr E. Sabo

DEPENDENTS: None

DATE OF ACCIDENT: 17th DAY OF August, 2004 AT 4:15 O'CLOCK a.m.

CAUSE OF ACCIDENT: Falling section of coal and rock rib.

INTERVIEWS

The following persons were present during one or more of the interviews conducted during the investigation:

McElroy Coal Company (Consolidation Coal Company-Consol Energy)

Charles E. Bane	Safety Director – Mining
Tom Coram	Mine Superintendent
William Blackwell	Safety Supervisor
*Bernie Lewis	Section Foreman (Dave Stanley Consultants, Inc.)
*Robert Stack	Miner Operator
*Frank Persiani	Miner Roof Bolter
*Michael Barnhart	Miner Utilityman
*Richard Opic	Center Bolter
*Robert Hite	Shuttle Car Operator
*Thomas Tyler	Miner Roof Bolter
*Melvin Melott	Section Mechanic
*Jere Brown	Center Bolter Helper
*Theodore Bier	Shuttle Car Operator
*Steve Addington	Master Mechanic
*Earl Burkhardt	Loader Operator
*Robert Kinkade	Miner Bolter - Right Side-Afternoon Shift
*Thomas Ice	Miner Operator-Right Side Afternoon Shift
*Dan Beam	Foreman – Right Side Afternoon Shift

*Denotes persons interviewed

United Mine Workers of America

Hoya Clemons	President Local 1638
Rick Altman	Safety Committeeman
Dennis O'Dell	International Safety

Mine Safety and Health Administration

Jan Lyle	CMSH Inspector (Roof Control)
Jason Rinehart	Industrial Hygienist
Cindy Shumiloff	MSHA – EFS

West Virginia Miners' Health, Safety and Training

Brian Mills	Inspector-At-Large
John Hall	District Mine Inspector
Aian Lander	Safety Instructor

INVESTIGATION

The following persons were present during one or more of the on-site investigations:

McElroy Coal Company (Consolidation Coal Company-Consol Energy)

John Zachwieja	Vice President
Elizabeth Chamberlin	Safety Director
Charles E. Bane	Safety Director – Mining
Tom Coram	Mine Superintendent
Mike Sinozich	Corporate Safety
Bill Blackwell	Mine Safety Supervisor
Chad Delloma	Mine Safety Inspector
Tom Olzer	Operation Safety Inspector
John Kulvick	Mine Safety Inspector
Dave Aloia	Assistant Superintendent

United Mine Workers of America

Hoya Clemons	President Local 1638
Rick Eddy	International Safety
Jan Niceswanger	Local Safety Committeeman
Don Byser	Local Safety Committeeman
John Mercer	Local Safety Committeeman
Rick Altman	Safety Committeeman

Mine Safety and Health Administration

Kevin Stricklin	District Manager
Bill Ponceroff	Assistant District Manager
Nelson Blake	Chief Roof Control
Ron Wyatt	Staff Assistant
Jason Rinehart	Industrial Hygienist
Jan B. Lyall	CMSH Inspector (Roof Control)
Bill Gray	MSHA Tech. Support
Mike Gauna	MSHA Tech. Support
Jerry Vance	MSHA – EFS
Allen McGilton	Field Supervisor
John Collins	Field Supervisor
Charles Thomas	CMSH Specialist (Roof Control)
Jim Preece	CMSH Inspector

West Virginia Miners' Health, Safety and Training

**Doug Conaway
Terry Farley
Brian Mills
John Hall
Bennie Comer
Alan Lander
Jim Whetsell**

**Director
Administrator
Inspector-At-Large
District Mine Inspector
Electrical Inspector
Safety Instructor
Roof Control Inspector**

8-19-04

To all interested parties,

The following information is being submitted for modification of the existing orders to facilitate the resumption of operation of the continuous miner units at the McElroy Mine:

- Roof and rib bolt installation will be in cycle. Roof and rib bolts will not be installed simultaneously. The roof bolt will preferably be installed first unless conditions warrant otherwise.
- Rib Bolt specifications
 - Minimum Length 48"
 - Diameter 5/8 and 3/4 inch
 - Grade 1040 and /or ASTM A 306 Grade 80 HS
 - Type of Anchorage Expansion Shell
 - Hole size 1-3/8 Inch
- Rib bolts will be installed utilizing a T-3 channel a minimum of thirty-six (36) inches in length. Wood and fiber types of plank may also be installed.
- Rib bolts will be installed on a maximum of five (5) foot centers and installed with in five (5) foot of the outby end of the rib protector.
- Rib protectors will be maintained on coal production miner units.
- During rib bolting installation an additional person will be available to assist in the installation of the rib bolts as needed.
- All employees will be trained in the provisions of this plan.
- Rib fracture zone information will be provided to interested parties.

Thomas Coram


Superintendent
McElroy Mine

ATTACHMENT NO. 1

The following information is being submitted to terminate Order
written at the McElroy Mine, McElroy Coal Company(U-33-83
August 17, 2004.

Rib Bolting on Continuous Miner Sections

1. Rib bolts will be installed on continuous miner sections in cycle and the spacing will not exceed 5 feet.
2. Rib bolts will be installed utilizing a minimum of 1 inch by 6 inch by 36 inch wooden plank or by T-1 channel at least 36 inches in length.
3. Rib bolts will be 48 inches in length and will be made from metal, plastic or fiber. The bolts will be installed with a expansion shell or resin meeting the manufacturers' recommendations.
4. Areas, where crosscuts will be turned will be marked with flagging or reflective material to warn workers of rib areas not rib bolted on initial mining. Any area not rib bolted on initial mining such as areas where crosscuts are mined through and the distance inby or outby are not within 5 feet of the last rib bolts, the area will be:
 - a. Area will be identified with pogo sticks or similar device(along with flagging or reflective material) set in a manner to keep people away from the unbolted rib.
 - b. Area will later be rib bolted when the miner rib bolter or other rib bolter can be utilized.
5. Rib drills are fixed on the sides of the continuous miners, rib straps at least 36 inches in length will be installed in a manner to catch at least 6 inches of rock(stone binder) under normal mining conditions.
6. Rib protectors will be maintained on continuous miners.
7. Rib bolts will be maintained inby the tailpiece on continuous miner working sections.

ATTACHMENT NO.2

Rib Bolting

Conventional Mechanical Rib Bolts

Minimum Length:	48 inches
Minimum Diameter:	5/8 inch
Grade:	1040 and/or ASTM A 306 Grade 80 HS
Type of Anchorage Unit:	Expansion Shell
Hole Size	1-3/8 inch

Resin Grouted Rib Bolts

Minimum Length:	48 inches
Minimum Diameter:	5/8 inch
Grade:	ASTM Grade 60
Type of Anchorage Unit:	Resin Grout
Minimum Hole Size:	1-inch (for 5/8 inch bolt)

Plastic Dowel Rib Bolts

Minimum Length:	48 inches
Minimum Diameter:	7/8 inch
Grade:	Tensile Strength 5 tons
Type of Anchorage Unit:	Resin Grout
Minimum Hole Size:	1-1/16 inch (for 7/8 inch bolt)

IF-018
Revised 11-02

STATE OF WEST VIRGINIA

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

OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING

1615 Washington Street East
Charleston, West Virginia 25311-2126

Region One
Case No. 166-0016-2004
Violation No. 1

NOTICE OF VIOLATION

Company / Operator McElroy Coal Company Contractor: Yes No

Permit Number 11-33-83 Mine Name McElroy

Date of Issue September 14, 20 04 Time 9:00 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 25(a) and/or West Virginia Administrative Regulation: Title _____, Series _____, Section _____ exists as follows: It was revealed during the

investigation that ribs were not supported or controlled adequately to protect persons from a fall of the rib in the crosscut from No.5 to No.6 entries at 30 block of the 5 North Mains (Right Side) section. Mr. Joseph F. Siso suffered fatal injuries when he was struck by a large section of coal and rock rib that pushed him into the continuous miner machine. The rib fall started near the No.6 intersection and continued only toward No.5 intersection for a distance of approximately twenty (20) feet. The falling section of rib was approximately five (5) feet in height and approximately ten (10) inches in width.

Type of Issuance: N.O.V. Order

Area or equipment (if order is issued): _____

The foregoing violation shall be totally abated by 9:00 a.m. p.m. on 9-14 2004

The foregoing violation was totally abated by 9:00 a.m. p.m. on 9-14 2004

Action taken to abate the violation: OPERATOR HAS SUBMITTED A REVISION OF THEIR ROOF AND RIB CONTROL PLAN TO CONTROL THE LOOSE RIBS.

Company / Operator Agent Served: Bill Blackwell

Authorized Representative: J. Denton Hall / Brian Mills Inspector No. 166 / 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%) _____

9/15/04
AM

STATE OF WEST VIRGINIA

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

ed 11-02

OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING

1615 Washington Street East
Charleston, West Virginia 25311-2126

Region One
Case No. 166-0015-2004
Violation No. 1

NOTICE OF VIOLATION

Company / Operator McElroy Coal Company Contractor: Yes No

Permit Number U-33-83 Mine Name McElroy

Date of Issue September 14, 2004 Time 9:00 X 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 25(b) and/or West Virginia Administrative Regulation: Title , Series , Section exists as follows: During the on-site

investigation on the 5 North Mains (Right Side) section loose ribs were observed at several locations in entries and crosscuts,

Type of Issuance: N.O.V. Order

Area or equipment (if order is issued):

The foregoing violation shall be totally abated by 9:00 a.m. p.m. on 9-14 2004

The foregoing violation was totally abated by 9:00 a.m. p.m. on 9-14 2004

Action taken to abate the violation: DURING THE ON-SITE INVESTIGATION THE LOOSE RIBS WERE PULLED DOWN OR SUPPORTED.

Company / Operator Agent Served: Bill Blackwell

Authorized Representative: [Signature] Inspector No. 1162 / 05

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)

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%)

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

OFFICE OF
MINERS' HEALTH, SAFETY AND TRAINING

1615 Washington Street East
Charleston, West Virginia 25311-2126

Region OME
Case No. 44-0320
Violation No. 1

NOTICE OF VIOLATION

Company / Operator Mc Elroy Coal Company Contractor: Yes ___ No ___
Permit Number U-33-83 Mine Name McElroy mine
Date of Issue 8-18-04, 20___ Time 10:17 AM ___ 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 25 and/or West Virginia Administrative Regulation: Title ___ Series ___ Section ___ exists as follows: ___

The approved and adopted roof control plan was not complied with on 5 North mains in four locations in that: The plank (T-2 channels) spacing was not reduced to a maximum 3 feet where slips and extensive fractures were encountered.

- 1) In the crosscut four to five entry at low 38182, two of the immediate T-2 channels were 44 and 45 inches with an exposed slicken/slided slip.
- 2) In No 5 entry last open crosscut (38182) T-2 channels were 54 inches apart in a slip.
- 3) No 4 entry 20ft inby spud # 3813 T-2 channels were 48 and 44 inches apart with extensive fractures in the roof rock.
- 4) In No 1 entry additional support needs added inby spud 3886 on the right side where the top has deteriorated around a T-2 channel in a clay vein with a slip.

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

The foregoing violation shall be totally abated by 12:00 PM a.m. ___ p.m. on 8-19 2004

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

Action taken to abate the violation: The area was dangered off until additional support can be installed. The area is under a holding order from a fatal

Company / Operator Agent Served: John Kulavik

Authorized Representative: James Whitfield Inspector No. 44

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%) ___