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Transcript of the Testimony of William Bragg

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STATEMENT UNDER OATH

OF

WILLIAM BRAGG

taken pursuant to Notice by Alicia Brant, a Court Reporter and Notary Public in and for the State of West Virginia, at The National Mine Health & Safety Academy, 1301 Airport Road, Room C-137, Beaver, West Virginia, on Friday, June 4, 2010, beginning at 10:07 a.m.

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ATTORNEY WILSON:

Good morning.

MR. BRAGG:

Good morning.

ATTORNEY WILSON:

My name is Bob Wilson. I'm with the Office of the Solicitor, United States Department of Labor. Today is June 4th, 2010. We're here today to conduct an interview of William Bragg in connection with the accident investigation of the Upper Big Branch Mine explosion. With me is Bob Bates, an accident investigator with the Mine Safety and Health Administration. Also present are individuals with the State of West Virginia. And I ask that they state their appearance for the record.

MR. MCGINLEY:

Patrick McGinley, independent investigation team.

MR. FARLEY:

Terry Farley, with the West Virginia Office of Miners' Health, Safety and Training.

MR. TUCKER:

Bill Tucker, West Virginia Office of

1 Miners' Health, Safety and Training.

2 ATTORNEY WILSON:

3 There are several other members of the
4 investigation teams also present in the room. All
5 members of the Mine Safety and Health Administration
6 Accident Investigation Team and all members of the
7 State of West Virginia Accident Investigation Team
8 participating in the investigation of the Upper Big
9 Branch Mine explosion shall keep confidential all
10 information that is gathered from each witness who
11 voluntarily provides a statement until the witness
12 statements are officially released. MSHA and the
13 State of West Virginia shall keep this information
14 confidential so that other ongoing enforcement
15 activities are not prejudiced or jeopardized by a
16 premature release of information. This
17 confidentiality requirement shall not preclude
18 investigation team members from sharing information
19 with each other or with other law enforcement
20 officials. Everyone's participation in this interview
21 constitutes their agreement to keep this information
22 confidential.

23 Government investigators and specialists
24 have been assigned to investigate the conditions, the
25 events and circumstances surrounding the fatalities

1 that occurred at the Upper Big Branch Mine-South on
2 April 5th, 2010. The investigation is being conducted
3 by MSHA pursuant to Section 103(a) of the Federal Mine
4 Safety and Health Act and by the West Virginia Office
5 of Miners' Health, Safety and Training. We appreciate
6 your assistance in this investigation.

7 You may have a personal attorney present
8 during the taking of your statement. Do you have an
9 attorney or representative with you today?

10 MR. BRAGG:

11 No, sir.

12 ATTORNEY WILSON:

13 Your statement today is completely
14 voluntary. You may refuse to answer any question, and
15 you may terminate your interview at any time. You may
16 request a break at any time. Just let me know if you
17 need to take a break. This is not an adversarial
18 proceeding. Formal Cross Examination is not
19 permitted, however, follow-up questions will be
20 allowed as appropriate.

21 Your identity and the content of this
22 conversation will be made public at the conclusion of
23 the interview process and may be included in the
24 public report of the accident, unless you request that
25 your identity remain confidential or if the

1 information would otherwise jeopardize a potential
2 criminal investigation. If you request us to keep
3 your identity confidential, we will do so to the
4 extent permitted by law. That means if a Judge orders
5 us to reveal your name or another law requires that we
6 reveal your name, we may do so. There may be a need
7 to use the information you provide to us in other
8 investigations into and hearings concerning the
9 explosion. Do you understand that part?

10 MR. BRAGG:

11 Yes, sir.

12 ATTORNEY WILSON:

13 Do you have any questions?

14 MR. BRAGG:

15 No, sir.

16 ATTORNEY WILSON:

17 After the investigation is complete, MSHA
18 will issue a public report detailing the nature and
19 the causes of the fatalities in the hope that greater
20 awareness about the causes of accidents can reduce
21 their occurrence in the future. Information obtained
22 through witness interviews is frequently included in
23 those reports. Because we will be interviewing other
24 individuals, we request that you not discuss your
25 testimony today with anyone else.

1 A court reporter will be recording the
2 interview. Please speak loudly and clearly, so that
3 she can get down everything that's said. If you do
4 not understand a question asked, please ask that the
5 question be rephrased. Please answer each question as
6 fully as you can, including any information you may
7 have learned from someone else. Again, I want to
8 thank you in advance for your appearance here today.
9 We appreciate your assistance in the investigation.
10 Your cooperation is critical in making the nation's
11 mines safer.

12 After we have finished asking questions,
13 we will provide you an opportunity to make a statement
14 or to provide any additional information that you
15 believe may be relevant to the investigation. If at
16 any time after the interview you think of additional
17 information that you think we should know about, you
18 can contact MSHA through Normal Page, the lead
19 accident investigator, whose contact information is in
20 the letter that was provided to you.

21 Terry, did you have anything to add?

22 MR. FARLEY:

23 Yes. Mr. Bragg, on behalf of the Office
24 of Miners' Health, Safety and Training, I would also
25 advise you that the West Virginia Mine Health and

1 Safety regulations provide protection for miners
2 against discrimination. And I want to give you the
3 memorandum which will give you contact information, in
4 the event that you feel like that you were
5 discriminated against for making this appearance and
6 testifying. Thank you.

7 ATTORNEY WILSON:

8 Okay. At this time I will ask that the
9 court reporter swear you in.

10 -----
11 WILLIAM BRAGG, HAVING FIRST BEEN DULY SWORN, TESTIFIED
12 AS FOLLOWS:

13 -----
14 ATTORNEY WILSON:

15 All right. And I will turn the
16 questioning over to Bob Bates.

17 EXAMINATION

18 BY MR. BATES:

19 Q. Mr. Bragg, this is Bob Bates. I work for MSHA, as
20 an electrical engineer out of District 6, and I've
21 been assigned to aid in this investigation. Can you
22 tell us if anyone other than a government official has
23 interviewed you to this point? If so, who?

24 A. Some lawyers. Lawyers, I guess, through Massey.
25 Performance Coal Company's lawyers.

1 Q. Okay. Can you summarize or describe what the
2 interview consisted of?

3 A. It just consisted of just asking if I knew
4 anything that caused the explosion. They wanted to
5 talk about some of the workers down there, some of the
6 supervisors, and that's about it.

7 Q. Now, do you know, approximately, when this
8 interview occurred?

9 A. I'm thinking it was around the 22nd of April,
10 maybe --- that week somewhere in there.

11 Q. At that time, were you given any instructions by
12 Massey management ---

13 A. No, sir.

14 Q. --- or the attorneys?

15 A. No, sir.

16 Q. I'd like to ask you a few questions about your
17 experience. How many years of mining experience do
18 you have?

19 A. I guess it'd be seven years, seven years mine
20 experience.

21 Q. Could you describe the type of experience you
22 have, the jobs you've had?

23 A. Mostly it's been electrician/mechanic work. I was
24 taught to run the shuttle car, operate a bolt machine,
25 scoops, basic utilities, general labor in the coal

1 mines.

2 Q. Can you give us a brief description of the mines
3 where you worked?

4 A. The mines at --- this mine?

5 Q. No. No, the other coal mines, basically a
6 summary.

7 A. River Fork Powellton, worked in that mines. Ellis
8 Eagle, and Slip Ridge and the old Marsh Fork mines.

9 Q. Do you have any certifications, Federal and/or
10 State?

11 A. Yes. Electrical. I got a certified electrician's
12 card.

13 Q. Are there any other certifications or
14 qualifications

15 A. No, sir.

16 Q. Okay. Can you tell us where you're presently
17 employed?

18 A. Shonk or Roundbottom, with Massey. Shonk,
19 Roundbottom, Whitesville.

20 Q. And when did you start working there?

21 A. The 19th of April.

22 Q. I want to catch up with a couple other questions
23 that I forgot to ask. Can you state your full name
24 and spell your last name?

25 A. William Edward Bragg, B-R-A-G-G.

1 Q. Okay. Can you state your address and your
2 telephone number?

3 A. (b) (7)(C)
4 (b) (7)(C)

5 Q. Okay. I want to get back to your experience, your
6 mining experience, a little bit here. When did you
7 begin your employment at the Upper Big Branch Mine?

8 A. October of '07.

9 Q. Can you describe the types of jobs you've been
10 assigned at Upper Big Branch, during your employment?

11 A. Mostly section electrician.

12 Q. Can you tell us which sections you've had
13 experience on?

14 A. The most experience I've worked in this mines
15 would have been on the Number Three section.

16 Q. Mr. Bragg, does the Number Three section go by
17 other names, or is it called other things?

18 A. I think they call it the portal section, too ---
19 also.

20 Q. At the time that the accident happened, on April
21 5th, where were you assigned to work?

22 A. I was working outby with Mr. Henline, working in a
23 --- belts outby, you know, section to section. If
24 there was something --- a lot of equipment down, we
25 would go help them just outby anything that's needed

1 to be done, that's what we was doing at the time.

2 Q. Okay. If I can get a little more specific on
3 that, can you begin --- starting at the beginning of
4 your shift on the day of the accident, can you
5 summarize your activities up until the time that the
6 accident occurred? And try to be as specific as you
7 can, the closer you get to the time the accident
8 occurred.

9 A. Well, my shift started at 3:00. And I was a
10 little early. I put my uniform on, got my night
11 clothes on, went to the motor barn. Looked down at my
12 watch, it was four minutes after 3:00. The fan's
13 sounded like it was coming apart.

14 Q. Can you describe what the sound was like?

15 A. It was just --- just shaking, roaring. Dust
16 flying out of the ---. I couldn't tell if it was
17 coming out of the return or coming out of the fan.
18 But the fan just seemed like it just couldn't turn no
19 more, then in --- then the dust come out of
20 everywhere.

21 Q. Can you describe what that was like?

22 A. It was just --- just like rock dust. It was
23 nothing black, just rock dust.

24 Q. And how long did this last?

25 A. A couple minutes. The fan just started running

1 normal again. After, I guess, the pressure pushed
2 back and it relieved, the fan started running normal
3 again.

4 Q. Mr. Bragg, who is your immediate supervisor?

5 A. I guess --- I'd say it'd be ---. I work for Mr.
6 Henline, John Henline. He was the chief electrician
7 on evening shift. That's who I got my orders from,
8 you know, what to do, where to go.

9 Q. Okay. How are your work orders given to you? Are
10 they given to you verbally or ---

11 A. Verbally.

12 Q. --- written?

13 A. Yeah. Most of the time we went together. We
14 would be together.

15 Q. Did you have a conversation with your supervisor
16 on the day of the accident, before you started work?

17 A. No, sir.

18 Q. Who did you talk to when you got to the mine that
19 day?

20 A. I don't remember, just --- I guess just everybody
21 that was in the bath house. We went by each other and
22 was going to work.

23 Q. Okay. Can you describe the ---? In your job as
24 electrician at the mine, can you describe the
25 equipment that you're responsible for?

1 A. Equipment that I was responsible for, the total
2 section?

3 Q. Just any equipment that you were responsible for.

4 A. It was in relatively good shape.

5 Q. Okay.

6 A. It was maintained.

7 Q. Let me clarify that question. What I'm asking is,
8 which equipment are you responsible for maintaining or
9 examining or inspecting?

10 A. It would be everything on the left side of the
11 section, on the section. Left shuttle car, left
12 miner, left bolter. And you have a scoop, which I
13 think it was number two scoop. On the section. That
14 was on the section. And I worked outby with Mr.
15 Henline for just maybe a month or two and had some
16 power boxes strung up and down along this line, from
17 Seven North here to right here in the North Mains.

18 ATTORNEY WILSON:

19 Okay. Right here. We need to explain,
20 for the record, what you're referring to. Why don't
21 we mark this as Bragg Exhibit One.

22 (Bragg Exhibit One marked for
23 identification.)

24 ATTORNEY WILSON:

25 All right. And then take a highlighter,

1 yellow highlighter, and ---. First of all, maybe you
2 could just put a circle with the yellow ---. Just
3 circle the working section, the Number Three section,
4 that you worked on.

5 A. Number Three?

6 ATTORNEY WILSON:

7 Yes.

8 WITNESS COMPLIES

9 ATTORNEY WILSON:

10 Okay. So let's --- the yellow is not
11 going to show up too much. Let's just put over here,
12 Number Three section. Here, use this one. And just
13 put an arrow.

14 WITNESS COMPLIES

15 ATTORNEY WILSON:

16 Okay. Okay. And then you were talking
17 about --- going back, you were talking about the North
18 Mains?

19 A. No, this --- Seven North Head. I can't really
20 tell because you don't have the belts on this --- on
21 this map, you know, it's not marked. You don't have
22 the beltline or nothing marked on the map. It was the
23 kVA boxes from Seven North and the belt boxes to One
24 North.

25 ATTORNEY WILSON:

1 So on the exhibit, would that be the set
2 of entries that's labeled as Number Three North belt,
3 going along ---?

4 A. Yeah, this is --- this, you know, your North
5 Mains.

6 ATTORNEY WILSON:

7 Okay. So it's the set of entries outby
8 the seal barriers?

9 A. Yeah.

10 ATTORNEY WILSON:

11 Okay.

12 A. This is parallel North Mains.

13 ATTORNEY WILSON:

14 Okay.

15 BY MR. BATES:

16 Q. You were describing, before we stopped, the
17 equipment that you were responsible for maintaining.

18 A. Yes, sir.

19 Q. Can you continue on with that?

20 A. You want to know, generally, the equipment or what
21 I did to maintain it?

22 Q. No, I want to know a list.

23 A. A list?

24 Q. A list of equipment. I just want to know the ---
25 in mines electricians have responsibilities,

1 responsibilities for maintaining or examining certain
2 pieces of equipment. And that's what I'm asking.

3 What was your area of responsibility?

4 A. It was the --- the kVAs from Seven North to One
5 North. And I didn't usually do them all the time, you
6 know. It was --- if I didn't do them, Mr. Henline did
7 them. That's --- and I had the surface, too.

8 Q. Okay. When you say you're responsible for
9 maintaining equipment on the surface, ---

10 A. Yes, sir.

11 Q. --- which part of the surface are you talking
12 about?

13 A. The disconnect at Number One portal over. What I
14 remember, there was a D box there.

15 Q. Okay.

16 A. The sewer plant, the transformer, the light
17 transformers, diesel tanks and a pump that was back up
18 on the hill there. I can't remember all --- what they
19 was all named, you know. It sticks in my mind that
20 that's what I was presently doing. While we was
21 moving from there, then I would have went back to
22 Three North.

23 ATTORNEY WILSON:

24 Okay. When you say moving to here,

25 you're referring to the projected longwall ---

1 A. Yes, sir.

2 ATTORNEY WILSON:

3 --- section?

4 A. Yes, sir.

5 ATTORNEY WILSON:

6 Why don't you just write in here,

7 projected longwall 51.

8 A. How do you spell projected?

9 ATTORNEY WILSON:

10 P-R-O-J-E-C-T-E-D.

11 A. I'm nervous.

12 ATTORNEY WILSON:

13 Yeah, I understand.

14 BY MR. BATES:

15 Q. Mr. Bragg, do you perform any required
16 examinations, weekly, monthly, electrical; any type of
17 required examinations for the company?

18 A. Yes, sir.

19 Q. Okay. Can you tell us which examinations you've
20 performed?

21 A. The first time --- and the only thing I was
22 instructed to do from Seven North to One North is
23 check the boxes, make sure there was mats, strip
24 setting was right, ground straps, fire extinguishers,
25 general stuff, because we didn't ground fault none of

1 them or nothing. And that was done by another crew at
2 a later time on the hoot owl. Make sure they just
3 rock dust, fire extinguishers. Make sure all the lids
4 was in the bolt --- the bolts was in the lids. That's
5 what I --- that's what I was ---

6 Q. So if ---.

7 A. --- supposed to ---.

8 Q. If I understand you correctly, you did not do
9 monthly breaker tests, ground fault ---?

10 A. No, sir.

11 Q. Okay.

12 A. No, sir. No, sir. That was done by another crew
13 that was, you know, on the shutdown crew. You know,
14 we just made sure everything was --- your fire
15 extinguishers, your dust, ground straps, everything,
16 labels, suped it correctly.

17 Q. When you completed your examinations, did you
18 personally sign the record books?

19 A. Yes, sir.

20 Q. Have you been involved, at any time, at the Upper
21 Big Branch Mine, with the calibration or maintenance
22 of methane monitors?

23 A. Yes, sir.

24 Q. Okay. Can you describe your involvement in that?

25 A. Number Three section, the continuous miners, the

1 calibration of methane monitors. If one of them had
2 to be changed out, readout, anything, you know, your
3 monitors, then they was calibrated.

4 Q. Can you describe the calibration process you used,
5 to the best of your memory?

6 A. Well, you have a calibration kit. If you change a
7 component, you zero air, then you apply the gas, or
8 you set your monitor for the calibration process. Then
9 you apply your gas and it goes through its process and
10 that's it.

11 Q. Are you aware of any problems, maintenance
12 problems, recurring maintenance problems, with the
13 methane monitors that you maintained?

14 A. No, sir. I didn't maintain them, but --- you
15 know, that wasn't my job to --- every week or --- to
16 calibrate. That wasn't my job. If I was on a
17 section, if something happened, then that's when I
18 took care of it. You know, if they lost a sniffer, it
19 went out on F4, then we'd change the sniffer and we'd
20 calibrate it. And if State and Federal would come by
21 and ask for it to be calibrated, then, you know, they
22 wanted to check it, we'd calibrate it, gas it off.

23 Q. By recurrent problems, what I'm referring to are
24 problems like sensors clogging ---.

25 A. Sensors clogging, water get in it, yes, you have

1 problems like that.

2 Q. When you calibrated --- in your calibration of
3 these monitors, did you ever notice anything being
4 placed over the sensor, like plastic bags or
5 anything ---

6 A. No, sir.

7 Q. --- to keep the water out?

8 A. No, sir. No, sir.

9 Q. Mr. Bragg, have you ever worked on the longwall
10 section, ---

11 A. No, sir.

12 Q. --- had occasion to travel to the longwall
13 section?

14 A. I went up to the --- to the mantrip one night and
15 dropped off a tram shaft, and that was as far as I had
16 been when it was working. That was as far as I've
17 been since it's been working.

18 Q. Are you aware of any reports or any of your fellow
19 employees talking about gas outbursts on the longwall?

20 A. No, sir.

21 Q. Are you aware of any welding that takes place on
22 the longwall?

23 A. I'm sure it does, you know, you got electrical ---
24 you got mechanical stuff up there that's going to
25 break down. You'd have to weld and --- I'm sure you

1 would.

2 Q. Do you know what type of welder they use?

3 A. I don't really know. It'd have to be a --- it'd
4 have to be a 480 welder. I mean, that's all we got at
5 the mines. That's all I've ever seen. You plug it
6 into the power center. You know, you got your
7 trailing table and that's the only one I've ever seen,
8 unless it'd be on a scoop. You got what they call
9 stingers and scoops, bonders or --- that's what they
10 call them. That's they way to weld. But how they
11 weld up there on that longwall, I do not know.

12 Q. You said that 480 welders in the mine?

13 A. Yeah. That's what I know.

14 Q. Okay.

15 A. It's what they plug into the --- you plug into the
16 power center. And you use a welder for that or you
17 use a scoop. Maintenance ride had, you know, the
18 bonders you plug into the batteries.

19 Q. Can you describe the training you received when
20 you were first hired at Massey? Can you give us a
21 description of the --- what it consisted of, who did
22 it, how long it lasted?

23 A. The electrical training, I went through the ---
24 Dave Terry. He taught a class down at Elk Run Coal
25 Company. I went to it two days a week. He taught you

1 the electrical stuff. And my apprenticeship was under
2 --- let me think. I can't think of his name now. I
3 know it just like my own name. Dave at Marsh Fork. I
4 can't think of his last name, but that was who taught
5 me, you know, everything, making splices,
6 troubleshooting panels and just your general stuff.
7 Teach you how to do --- do it right, too. Dave Cox is
8 his name.

9 MR. BATES:

10 Okay. That's all I have at this time.

11 I'll turn it over to Terry.

12 EXAMINATION

13 BY MR. FARLEY:

14 Q. Mr. Bragg, let me back up a little bit. Bob asked
15 you originally if you had been interviewed by any
16 other person. You've indicated you've been
17 interviewed by the Massey lawyers. And you said they
18 asked you if you knew anything about what caused the
19 explosion, and they asked you about some of the
20 supervisors. Which supervisors did they ask you
21 about?

22 A. You mean supervisors, like the higher-up people
23 that was at the mines. Gary May.

24 Q. Gary May. What's his position there.

25 A. He was the superintendent on the south side.

1 Q. Okay. Who else did they ask about?

2 A. Mr. Blanchard.

3 Q. Mr. Blanchard, the president?

4 A. The president. And Jason Whitehead.

5 Q. Okay.

6 A. I believe he's the production supervisor over
7 production.

8 Q. All right. Anybody else?

9 A. And then they ask you a few questions about your
10 immediate supervisor, how they treated you and stuff
11 like that.

12 Q. Okay. And Mr. Henline was your immediate
13 supervisor at the time of the accident?

14 A. Yes, sir.

15 Q. Now, when they asked you about Blanchard and
16 Whitehead and May and so forth, what other questions
17 did they ask you about, those individuals? Did they
18 ask you what you thought of how they performed their
19 job?

20 A. In a sense, yes.

21 Q. Can you be more specific as to what they asked?

22 A. Well, they basically asked me if I ever did
23 anything. They ever ask me if I --- did they ever ask
24 me to do anything that was dangerous, out of the
25 way, ---

1 Q. Okay.

2 A. --- anything like that.

3 Q. Okay. Well, did Blanchard or Whitehead or May
4 ever ask ---

5 A. No, sir.

6 Q. --- you to do anything unsafe?

7 A. No, sir, nothing unsafe.

8 Q. Okay. Did you have any involvement in maintaining
9 the CO monitoring system?

10 A. No, sir.

11 Q. Okay. Would you ever have been sent to check on
12 an alarm, a CO monitoring system alarm?

13 A. Yes. If it had been in the area we had been, you
14 went and checked it and made sure there was
15 nothing ---

16 Q. Okay.

17 A. --- no smoke, nothing.

18 Q. Can you remember when that might have been you had
19 to do that?

20 A. The last time was back last summer.

21 Q. Okay. Meaning 2009?

22 A. Yeah. It was the one up on the south side. It
23 fell down the waterhole.

24 Q. Okay. In your travels throughout the mine, did
25 you ever discover a fire or smoke on any of the belts,

1 any of the conveyor belts?

2 A. No, sir.

3 Q. Okay. Have you been to the, what's called the 22
4 Headgate section?

5 A. Twenty-two (22) Headgate?

6 Q. Yeah.

7 ATTORNEY WILSON:

8 If you look up here, he's going to point
9 it out on the map here.

10 A. Yes, sir.

11 BY MR. FARLEY:

12 Q. When were you last there?

13 A. It would have been in March.

14 Q. March 2010?

15 A. Yeah, this year. Yeah.

16 Q. Okay. And can you approximate when in March? Can
17 you ---?

18 A. I can't tell you exact date because, you know, I
19 can't remember exact day.

20 Q. Okay. Sometime in March. What did you do on 22
21 Headgate section when you went there?

22 A. Well, I went up there twice that week. I took a
23 --- we went up and I helped them with the feeder
24 chain. And a day or two later we took an axle up for
25 the emergency ride, because they didn't have an

1 emergency ride at the time. We had to go up and fix
2 the axle, broke axle on the emergency ride.

3 Q. All right. When you were on the 22 Headgate
4 section, did you notice any floor or bottom hooving?

5 A. No, sir.

6 Q. Okay. I think you also said earlier that you had
7 been up to maybe the longwall headgate area to drop
8 something off once?

9 A. Yes, sir.

10 Q. Did you notice any bottom hooving in that area
11 while you were there?

12 A. On the track, no, sir. That's as far as I went up
13 the track. No, sir.

14 Q. Okay. And approximately when was it you were up
15 --- you were there on the longwall or ---?

16 A. It would have been in March.

17 Q. March this year? Okay. Back on the kVA power
18 centers that were in your area of responsibility prior
19 to the explosion, do you know who the person is who's
20 responsible for the monthly exams on the kVA power
21 center?

22 A. I'm not sure. It'd have to be --- you'd have to
23 ask the hoot owl chief of commission.

24 Q. Okay. All right. Now, also you said in the
25 beginning there that you were at the motor barn at the

1 time you saw the fan?

2 A. It come through the motor barn, yes, sir.

3 Q. You saw the fan?

4 A. I heard the fan.

5 Q. Well, you heard --- excuse me, you heard the
6 fan ---

7 A. And we went to the fan.

8 Q. --- make a very strange, unusual noise?

9 A. Yes, sir.

10 Q. Now, the motor barn, was that actually on the
11 surface or it's towards the ---?

12 A. It's on the surface.

13 Q. Okay. All right. Did you work on April 4th, 2010
14 at UBB?

15 A. No, sir.

16 Q. Okay. Did you work on Saturday, April 3rd at UBB?

17 A. No, sir.

18 Q. Okay. I know you just reported you worked on
19 April the 5th when this event happened. Prior to
20 April 5th, when would have been your last shift at
21 UBB?

22 A. It'd be the Thursday before, ---

23 Q. Okay.

24 A. --- because that was Good Friday on that Friday.
25 We was off. It was a three-day weekend.

1 Q. Okay. Where did you work on that Thursday? I
2 think that probably been, what, April 1st?

3 A. Yes, it would have been with Mr. Henline. I can't
4 remember what all we did. I couldn't tell you.

5 Q. Okay. All right. On the day of April 5th, 2010,
6 when you reported to work, did you hear any talk about
7 the longwall being down during a shift, during that
8 shift, the dayshift?

9 A. Yes, sir, I did.

10 Q. What did you hear?

11 A. I heard they was having problems with ranging arm.
12 That's all I heard. It'd been down for a while.

13 Q. And do you know how long it'd been down?

14 A. No, sir. I don't know exactly how long it'd been
15 down. Wouldn't have known. Probably wouldn't have
16 even cared, because that's the longwall.

17 Q. Okay. Can you recall who told you that?

18 A. I can't remember.

19 Q. Okay.

20 A. Usually you'd get in there and talk about how much
21 coal was running.

22 Q. Uh-huh (yes), sure.

23 A. And that was one of the things that was mentioned
24 by somebody that they had been down, something about a
25 ranging arm.

1 Q. Okay. On April the 5th or any time since then,
2 had you heard anything about an air change, a major
3 air change in the mines that could have taken place on
4 April the 4th of this year?

5 A. I couldn't tell you. You just hear rumors, and
6 I'm not going to speculate on no rumors. If they made
7 an air change, it'd have to be ---.

8 Q. That's fine.

9 A. I know nothing about an air change.

10 Q. Okay.

11 MR. MCGINLEY:

12 Are we doing okay or do you want to take
13 a break or ---?

14 A. I'm fine.

15 MR. MCGINLEY:

16 Okay. Yeah, if you want to take a break,
17 just say so. I don't have too many questions.

18 EXAMINATION

19 BY MR. MCGINLEY:

20 Q. Let me ask you a little more about the interview
21 you had with Performance lawyers. Where did that take
22 place?

23 A. Elk Run ---

24 Q. And about ---?

25 A. --- safety building.

1 Q. How long did you talk to them?

2 A. Thirty (30) minutes. Thirty (30), 40 minutes.

3 Q. Did they take notes?

4 A. Yes, sir.

5 Q. Did they ask you to read anything?

6 A. No, sir.

7 Q. Did they ask you to sign any kind of statement?

8 A. No.

9 Q. You gone to work the day of the explosion. Did
10 anyone take a statement from you that day?

11 A. No, sir.

12 Q. What do you do after you saw the fan
13 malfunctioning? There's a lot of commotion there.
14 Did you go home or what ---?

15 A. We stayed around until about nine o'clock. We
16 really didn't know what happened.

17 Q. Did you hear someone say that there had been a big
18 roof fall early on after the noise at the fan and the
19 dust?

20 A. No, sir.

21 Q. Were you nervous when you --- when the lawyers
22 interviewed you? I mean, you said you were nervous
23 here. I understand that, but ---.

24 A. Yeah, just being around strange people makes you
25 nervous.

1 Q. Sure.

2 A. That's the only thing that ---.

3 Q. I understand.

4 A. Being around a crowd, and this is a crowd.

5 Q. Right. Do you know anything about a Massey
6 incentive program for workers?

7 A. Incentive?

8 Q. Incentive, yeah. Safety incentive, production
9 incentive. Do you know if there's --- if you meet the
10 certain goals you ---?

11 A. You get the production bonus if you run over the
12 amount of coal that they allot you for. And if you
13 run more than that, then you get half of what's ---
14 anything you make over that, you get part of it.

15 Q. Cash or ---?

16 A. You get a check. Yes, sir.

17 Q. You know, would that include you or ---?

18 A. The whole crew.

19 Q. Whole crew?

20 A. The whole section.

21 Q. You said you --- you know, one of the things you
22 did when you all get together is you talk about
23 production, you know, what's production running that
24 day?

25 A. Yeah, see what we're up against, you know, see

1 what's down, see what's tore up here and there.

2 Q. So in the year before the explosion, was
3 production stopped because of any problems at any
4 point for --- you know, for a whole shift or the day
5 or two?

6 A. Yes, sir.

7 Q. Do you know whether any of those stoppages were
8 the result of ventilation problems?

9 A. Any time that you made an air change then the
10 mines was evacuated. Only person which was allowed to
11 do anything was the one that's making the change.

12 Q. And how were you --- would that happen in the
13 middle of your shift or would you get called at home
14 and say, don't come in for a shift?

15 A. I would have come in anyway. It wouldn't have
16 mattered.

17 Q. Because you're working on the outside and ---?

18 A. Yeah, I would have been --- the only thing you can
19 do is maintain your mines when your air's got problems
20 in the pumps. Anything else, no.

21 Q. Now, how long have you been working at UBB?

22 A. Since October of '07, I think.

23 Q. '07.

24 A. They switch you around so much, it's hard to keep
25 up with things.

1 Q. Okay. Yeah. We're learning that.

2 A. Yeah. Well, you know, I could be somewhere else
3 tomorrow.

4 Q. Sure. So during that period from October '07
5 until April 5th, was there a period of time when there
6 was more stoppages of production and people being
7 withdrawn than others?

8 A. When the longwall started. When the longwall
9 started, they had to switch the air up there, State
10 and Federal was in there, you know. They shut it
11 down. Everybody was brought out of the mines. I
12 think it was two or three days while they made their
13 air change.

14 Q. Were there other times other than that two or
15 three-day stoppage?

16 A. There was one other time. It was in --- I think
17 it was in February, maybe March of this year that we
18 was out three days for --- maybe it was two days for
19 an air change.

20 Q. But you still worked on those days?

21 A. Yes, sir. Maybe it was one or two days. Yes,
22 sir, I did work.

23 Q. Right. Well, we're just looking for a rough
24 estimate. We're not holding you to it.

25 A. There's just a lot of equipment there, you know.

1 They can ---

2 Q. Sure.

3 A. --- always find you plenty to do. There's no
4 sense in ---.

5 Q. I'm sure. The members of the board of directors
6 at Massey Energy and Mr. Blankenship gave some
7 statements to Congress in the last couple of weeks
8 where they said that they recognize that there were a
9 number of serious safety violations at Upper Big
10 Branch, I take it, from April of 2009 until sometime
11 in the fall, October 2009. I think they said 47
12 serious violations. Were you aware at any time of ---
13 that the mine was being cited for so many serious
14 violations? I mean before the explosion.

15 A. Just the air changes is all I know that you would
16 have been --- if they would have found something.
17 They didn't say anything, you know. They didn't say
18 it was --- they didn't have no air or the air was
19 going the wrong way or nothing like that. Nothing was
20 said like that, no. I wouldn't know.

21 A. What about safety meetings? You attended safety
22 meetings?

23 Q. Every Monday we had a safety meeting and every day
24 when you get off the mantrip.

25 A. When those safety meetings would be --- and you

1 just talked about your crew and what you're doing or
2 did you ever hear from the bosses that there were some
3 serious safety problems at the mine? And I'm talking
4 about from the spring of ---

5 A. No, sir.

6 Q. --- 2009 to April 5th.

7 A. No, sir, just your safety meeting was your crew.

8 Q. Just a couple more questions. You said it wasn't
9 your job to maintain the methane monitors, but if they
10 broke down you were going to ---?

11 A. Well, yeah. If anything would have happened, been
12 on my shift, yes, sir. But I wasn't ---. You know,
13 you got your weekly examination of that methane
14 monitor. That was done by another electrician.

15 Q. Well, that's what I was going to ask you.

16 A. Yeah.

17 Q. Do you know --- so who was in charge of that or
18 who were the --- how did that work, if you know?

19 There's was another crew? There was ---

20 A. Yeah, there's a ---.

21 Q. --- specific ---

22 A. Yeah, there's ---.

23 Q. --- people that were assigned?

24 A. Yes, sir.

25 Q. Do you know who that might have been?

1 A. You'd have to ask the supervisor that would have
2 been on that crew, whether he did it his self or he
3 had somebody to do it.

4 Q. Like, when you say that crew, what do you mean?

5 A. The hoot owl crew.

6 Q. Okay.

7 A. The third shift maintenance crew.

8 Q. Okay. So there was somebody on the hoot owl crew
9 that was assigned to do that periodically, to check
10 the ---

11 A. Yes, sir.

12 Q. --- methane monitor? When you were on the job,
13 working on the crew and a methane monitor would ---
14 there'd be problems with it, was there some discussion
15 among the bosses or workers about how much time you
16 had to get that fixed, whether there was, you know the
17 --- you had until the next day to get it fixed or any
18 discussion of that?

19 A. No, sir.

20 Q. You were asked about noticing bottom hooving in
21 the mine. Did you notice that anywhere at any time
22 you were at UBB anyplace?

23 A. Yes, sir, I have.

24 Q. Where would that be?

25 A. I'd have to show you on the map.

1 Q. Okay.

2 A. Because it's --- it's not on the map he's got in
3 front of me.

4 Q. Okay. Why don't we go off the record?

5 ATTORNEY WILSON:

6 Okay. Let's go off the record.

7 OFF RECORD DISCUSSION

8 MR. MCGINLEY:

9 We're back on the record. We got another
10 map. I'll go ahead and mark that as Bragg Two.
11 (Bragg's Exhibit Two marked for
12 identification.)

13 MR. MCGINLEY:

14 Yeah. I apologize. It's upside-down for
15 you, but ---.

16 BY MR. MCGINLEY:

17 Q. Okay. Before we went off the record you were
18 saying you had noticed some hooving in the mine. Can
19 you describe or indicate on Bragg Exhibit Two the
20 places where you observed that?

21 A. It was on this (indicating) tailgate.

22 Q. Okay.

23 A. Exactly where, I can't remember.

24 Q. Sure. Maybe with a marker. Here, let's see if we
25 can get a colored marker and just --- we're looking

1 for the ---. Let's do this one in --- well, maybe ---
2 let's see --- in orange, the general area. We're not
3 holding you to it but just so we have a ---.

4 A. It would have been in here somewhere.

5 Q. Okay. Why don't you see if you can ---?

6 A. It would have been anywhere in here. It could've
7 been up here somewhere.

8 Q. Okay. Well, draw the whole area where it could've
9 been. I mean, we're not holding you to it. We're just
10 trying to get a general idea.

11 A. It would have been --- like, I think it was a good
12 ways up in there. But it was old hooving, but you
13 could tell it was hooving, you know.

14 Q. Okay. And can you describe it in more detail what
15 the, you know --- what it looked like to you?

16 A. Just looked the bottom had hooved up. A few jacks
17 had --- they had jacks along the belt and you could
18 tell it looked like it hooved up.

19 Q. Okay. Could you tell how far it hooved, hooved
20 up, just a ---?

21 A. A couple inches.

22 Q. A couple inches.

23 A. A couple inches. It wasn't much, you know. They
24 went back in. They cleaned it up, set new jacks.

25 Q. Okay.

1 A. It don't look like they had a problem with it,
2 because you know, it never messed up their belt line,
3 their track, but it had hooved a little bit, yes.

4 Q. Okay. Did you notice hooving anywhere else in the
5 mine in your experience since you've been there?

6 A. No, no.

7 Q. Okay.

8 A. No. It's a big and it's old mines. I'm sure it's
9 a lot of places it hooved.

10 Q. Sure. Did you ever hear anybody talk about
11 methane releases or methane bursts that occurred in
12 the mine, not just when you were there, but you know,
13 this mine's been around for a long time, so anytime
14 before you got there?

15 A. No, sir.

16 Q. Was the issue of shutdown and withdrawal of miners
17 for ventilation plan changes, was that a topic of
18 conversation generally among people you were working
19 with?

20 A. No, sir. I worked on the south side. If it
21 happened over there, it was just something we didn't
22 know about and it happened that day. Maybe they
23 planned it over there and they didn't tell us,
24 but ---.

25 Q. Sure.

1 A. When we come to work, they just said, send the
2 crews home. We're doing the air change. Keep a
3 couple of them to work outside.

4 Q. Did you ever hear anybody that you worked with
5 talk about concerns about inadequate air or safety
6 concerns or, you know, where they were working there
7 wasn't enough air?

8 A. I never --- I couldn't say that they didn't have
9 enough air.

10 Q. No, no, I wasn't asking. I'm just --- and it
11 could be hearsay, but ---?

12 A. It could be hearsay, you know. Well, yeah, I
13 don't know.

14 Q. But did people --- did anybody talk about it that
15 you heard discuss that?

16 A. No, sir.

17 Q. So nobody was concerned about adequacy of air
18 anywhere in the mine, to your knowledge?

19 A. To my knowledge. They was a long ways up in
20 there. I'm sure they --- it would be hard to get air
21 because they way up in there.

22 Q. Okay. But they just didn't --- you didn't hear
23 anybody talk about it?

24 A. No, I didn't hear nobody complain, saying that
25 there was not enough air to move the dust or ---

1 Q. Right.

2 A. --- that they'd been gassed or nothing. No.

3 Q. Did you ever notice any problems with rock dusting
4 as you went through the mine?

5 A. No. The parts I was at, it was white. I mean,
6 there was dust everywhere.

7 Q. And going back --- just a couple more questions
8 --- on the incentives, production incentives, how did
9 you know when you were going to get an incentive? Did
10 you know in advance or did it just come in the
11 incentive payment? Did you know in advance or did it
12 just come in the check?

13 A. You'd know in advance. If you was on a good
14 section, you was going to get one, but you wasn't
15 going to get one there at UBB. You just couldn't run
16 enough coal. You had to --- your target was too high
17 and you couldn't have got it. You wouldn't even try
18 to shot for it.

19 Q. So at other mines you did get ---

20 A. Yes.

21 Q. --- some incentive or production payments, ---

22 A. Yes.

23 Q. --- but not at UBB?

24 A. Not at UBB, no, sir.

25 Q. How did you know and the people you worked with

1 know what the production goals were?

2 A. They used to write it down on the board outside on
3 your --- you know, when you drew up your maps and
4 everything, they write you got to have so much coal to
5 get --- you got to keep so much average to get a
6 bonus.

7 Q. Okay. And did they stop doing that at some point,
8 putting that up on the board?

9 A. Yeah, because it was hopeless.

10 Q. But when did they stop you?

11 A. About a month after we was there, when we started
12 Three section, because it got so low and so much rock
13 you couldn't --- there was no way you could keep up
14 with it.

15 Q. Okay. So that would ---?

16 A. So we just, we just wiped it off of it.

17 Q. Is that when you started, like, in October of '07
18 or when --- I can't remember when you said you
19 started.

20 A. '07, '08, when we started the South, the portal
21 section.

22 Q. Okay.

23 A. It was nice when we started, but then it got less
24 and we struggled from there on out.

25 Q. Well, thanks. Appreciate it.

1 A. You're welcome.

2 MR. MCGINLEY:

3 Okay. No, no more questions.

4 EXAMINATION

5 BY ATTORNEY WILSON:

6 Q. Mr. Bragg, I just have a couple follow-up
7 questions if you don't mind. When you were up on
8 Headgate 22 in --- I believe you said March, the month
9 before the accident; is that right?

10 A. Uh-huh (yes).

11 Q. Did you go up to the face area?

12 A. I went as far as the feeder. That's where he had
13 the trouble, where he needed me to come and help him,
14 was the feeder, and that's as far as I went ---

15 Q. Okay.

16 A. --- at that time in March.

17 Q. All right. And what do you recall when you went
18 up there about the ventilation on the section? Do you
19 have any observations of that?

20 A. I couldn't say they was --- I couldn't tell you.
21 I mean, as far as I went was the feeder, worked on the
22 feeder and left. No complaints about air. Nobody
23 said anything about --- I worked on the feeder, got it
24 fixed and went back on the track and was gone.

25 Q. And you didn't have any problems with the air

1 yourself when you were up there?

2 A. No, no.

3 Q. The hooving that you observed on --- in the
4 tailgate entries on the longwall panel, did you
5 observe any cracking of the floor in those areas?

6 A. No, just --- like I told this gentleman, it would
7 have been old and you could --- you would have had to
8 really got down to see cracks, but you could tell it
9 had been hooving. It took a little of hooving in to
10 bend those jacks.

11 Q. Now, since the time that you were there in October
12 of '07 until April or March --- or April of 2010 ---
13 that was at about two and a half years --- I assume
14 you had a lot of State and MSHA inspectors come ---

15 A. Yes, sir.

16 Q. --- to the mine during that period?

17 A. Yes, sir.

18 Q. Okay. When inspections were conducted, did you
19 ever know before the inspector would get up to the
20 section that he was on his way?

21 A. I wouldn't know, no.

22 Q. You'd never heard anyone say ---?

23 A. There's an inspector on his way?

24 Q. Correct.

25 A. Correct. No, there's nobody called in from

1 outside and told me there was an inspector on his way.
2 You might hear it from the fire boss and say the G
3 man's coming down the track.

4 Q. Well, that's what I'm asking. Did you ever hear
5 that?

6 A. No, sir. Nobody called me and told me that the
7 inspector was on his way.

8 Q. Did you ever hear anyone, though, mention the fact
9 that there was an inspector on the way?

10 A. Yes, sir.

11 Q. That did happen?

12 A. Yeah, but it was just somebody that was already in
13 the mines and they knowed he was in there, that he was
14 making his rounds. He was stopping at the belt heads
15 and he was going to make his way by the faces and
16 stuff like that.

17 Q. And would they give you any instructions on those
18 occasions on what to do?

19 A. No.

20 Q. And how often would that happen that you would
21 hear somebody say, there's an inspector on the
22 property?

23 A. I just --- mainly when you drove up to the bath
24 house when you come into work there was one there.
25 They was always there. You expected it, because they

1 showed up all the time. You had to be right --- just
2 like my boss told me, you had to be right because you
3 don't know when they're going to be here.

4 Q. Are you aware of any methane monitors on equipment
5 being bridged out?

6 A. No, sir.

7 Q. Okay. Have you ever heard that that had happened
8 at the mine?

9 A. No, sir.

10 Q. Are you aware of any reports or just hearsay about
11 miners being subjected to threats or retaliation for
12 reporting safety issues?

13 A. No, sir.

14 ATTORNEY WILSON:

15 Okay. Thank you. Let's go off the
16 record and we'll let everybody check their notes, and
17 then we'll come back and we'll finish up.

18 OFF RECORD DISCUSSION

19 ATTORNEY WILSON:

20 We'll go back on the record. Bob, do you
21 have some follow-up questions?

22 RE-EXAMINATION

23 BY MR. BATES:

24 Q. Okay. This is Bob Bates with MSHA. I just have a
25 few, few follow-up questions. The first question I'd

1 like to ask you is, do you carry a methane detector or
2 a spotter with you when you're traveling outby?

3 A. Yes.

4 Q. Okay. What type of methane detector is it?

5 A. Solaris.

6 Q. Okay.

7 A. I think it's the 4-gas.

8 Q. Okay. During your travels outby along the working
9 sections, have you ever detected methane?

10 A. No, sir.

11 Q. Okay. Have you ever detected CO?

12 A. No, sir.

13 Q. Okay. Are you aware of any reports from your
14 co-workers of their spotters detecting methane?

15 A. No, sir.

16 Q. Okay. Can you describe the process the company
17 uses to calibrate the handheld methane detectors?

18 A. Well, I'm not too familiar with it. It's just a
19 --- it's got the gas. You plug it in, the new type.
20 You plug it in and it's --- I really don't --- I
21 couldn't tell you. You know, Mr. Henline showed me
22 how to do it that one time.

23 Q. Okay. How often are you required to do the
24 calibration?

25 A. I think it's every month.

1 Q. So you have a Solaris handheld?

2 A. Solaris, yeah.

3 Q. Okay. Now, from your personal experience, do you
4 personally put the Solaris in the calibration unit
5 yourself or does someone do that for you?

6 A. You can do it yourself or --- I'm not ---. That
7 was the first time I've, you know, had to have one all
8 the time with me ---

9 Q. Okay.

10 A. --- because outby, that was the only time. I know
11 how to use it besides, you know, how to calibrate it
12 all the time. That was the first time I did it.

13 Q. Okay. And were there any other tests required for
14 that --- for your Solaris that you're aware of?

15 A. No, sir.

16 Q. Okay.

17 A. None I was aware of.

18 Q. Have you heard of a thing called a bump test?

19 A. No, sir. I've heard of it, but I couldn't tell
20 you what it is, you know. You got --- you put it on
21 air and I guess it shoots the methane in and it tests
22 it.

23 Q. Do you know how often you had that done?

24 A. No, sir.

25 Q. And when you had your spotter for the period of

1 time that you carried it, did you have that done?

2 A. No, sir, but I didn't have the spotter at all,
3 because we didn't have enough for everybody, and I was
4 with Mr. Henline that had one.

5 Q. Okay. How long did you carry your spotter?

6 A. Maybe since it was given to me new out of the box,
7 maybe two weeks.

8 Q. Okay. And when was it given to you new?

9 A. About maybe two, three weeks before the explosion.
10 That's the first time I had one, you know, to carry
11 with me all the times, borrowing somebody's and going
12 somewhere.

13 Q. Okay. During the two-week period of time that you
14 had it, did you not test it?

15 A. No, sir.

16 Q. Okay. Are you aware of any policy that the
17 company has regarding how often you bump test your
18 Solaris ---

19 A. No.

20 Q. --- detectors?

21 A. No, sir.

22 Q. Were you ever given any instructions ---

23 A. No, sir.

24 Q. --- regarding that? Okay. Were you given any
25 training on how to take methane reads with your

1 handheld?

2 A. Yes, sir, the annual retraining and then your
3 methane, you know. Up high and you check.

4 Q. Okay. Are you aware of any water accumulations in
5 the mine, and if so, can you indicate that with a blue
6 circle?

7 A. Well, I know they had the water behind the
8 longwall. I was told that they had water behind the
9 longwall. It would have been, you know, built up
10 behind the wall.

11 Q. Okay. Are there any other areas of water
12 accumulation that you're aware of?

13 A. In great quantities of water that --- where the
14 pumps set? No. But that's the only thing I know. I
15 mean, we had pumps set at waterholes, I mean, deep
16 waterholes, but nothing I ever seen that there's,
17 like, a lot of water that you couldn't cross.

18 Q. So if I understand you correctly, the area of
19 water accumulation that you indicated was on the
20 Tailgate One North entries of the longwall?

21 A. Yeah. Any behind the wall. You got this --- is
22 this the fan, the turbo fan?

23 ATTORNEY WILSON:

24 Return shaft.

25 A. Fan right here. They got a big sump dug right in

1 there somewhere and it's got water in it.

2 BY MR. BATES:

3 Q. And can you indicate that with a circle?

4 A. I'm thinking that if this is the shaft, because I
5 haven't been up there in a while, but there's where
6 they had the pumps set for the water.

7 MR. MCGINLEY:

8 You've drawn a circle in blue magic
9 marker in that area.

10 A. Yes, sir. They dug a sump up here for all the
11 water they was pumping. Yes, it is. I think so.
12 They was pumping, you know, anything. It would've
13 been behind the wall and I know they had air pumps set
14 down along the track and stuff and they was pumping it
15 all to there and then they had a big turbo pump, air
16 pump that pumped it outside, because they had us go up
17 here and build a bridge across that so it could be
18 traveled.

19 BY MR. BATES:

20 Q. Okay.

21 A. If it could accumulated enough water to get in
22 there that you'd have to have a bridge to cross it
23 seeing it was wet.

24 Q. Are you aware of water accumulations to the extent
25 that it caused ventilation problems ---

1 A. No, sir.

2 Q. --- in the area you're talking about?

3 A. No, sir. No, sir. No.

4 Q. Just primarily travel problems; right?

5 A. Well, that's why they built the bridge, in case it
6 would get up high enough to --- you know, you didn't
7 want to go through there --- you know, you got your
8 fire bosses and stuff. They didn't want to have to go
9 through there every day and get their --- you know,
10 wet. So they built a bridge across it.

11 Q. Okay. I'm going to switch gears here for just a
12 second and ask you a few more questions. I promise
13 there aren't many left here. You mentioned earlier in
14 the interview that you had delivered parts to the
15 longwall section?

16 A. Yes, sir.

17 Q. What kind of parts did you deliver?

18 A. Trans shaft. That's about the only time that I
19 was up there, unless, you know, I took a few bits or
20 something as I was going by and dropped them off to
21 them. But it was just the trans shaft.

22 Q. Is the longwall shearer, in your opinion, is it
23 down a lot? And does it go down a lot due to
24 maintenance problems?

25 A. No, sir. Anything maintenance --- he needed an

1 extra trans shaft. He wasn't even down for it, but he
2 said if I was coming that way in case he broke one, he
3 wanted us to drop him off one.

4 Q. In traveling to the longwall, did you have
5 occasion to go through the equipment doors on the
6 Headgate One North area?

7 A. Headgate One North, the equipment doors?

8 Q. Yes.

9 A. No, sir. Just went straight up the track. We
10 went right to the end of the --- where their mantrip
11 was setting to drop the trans shaft off.

12 Q. So you did not have to travel through equipment
13 doors or notice any equipment doors in the area?

14 A. No, sir.

15 Q. Okay.

16 A. Not going to the longwall. I wasn't even aware
17 there was any equipment doors up there. I come
18 through the doors and right up the track and went
19 right to the end where their mantrip was setting and
20 dropped their trans shaft off.

21 Q. You said you came through the doors. Which doors
22 are you talking about?

23 A. Those are the ones that's at 78 Break. There are
24 double lock doors that you go through. You get out to
25 go towards the longwall.

1 Q. Okay.

2 A. Not up to the longwall.

3 Q. Okay. Can you describe the procedure that you use
4 when you go through those doors?

5 A. You get out, you open one set, you drive through.
6 You set them back, you go to the next set, open them.
7 Airlock doors.

8 Q. On any occasion, have you found one or both doors
9 open?

10 A. No, sir. No, sir.

11 Q. Okay.

12 A. I was usually with Mr. Henline. He was driving
13 and I'd get out and open the doors, because it was
14 aggravating because you had to hold the doors. It was
15 hard to do it by yourself, you know. You get wore out
16 going two, three times.

17 Q. In your opinion, was there excessive pressure on
18 the doors since they were difficult to open?

19 A. Difficult to open. Sometimes, you know, they'd
20 drag on the track a little bit, but no.

21 Q. Okay.

22 A. Just a hassle ---

23 Q. Okay.

24 A. --- getting out ---.

25 Q. I understand. Let me switch gears again on you.

1 When you worked on the section, when you were working
2 on the feeder, do you recall if there were check
3 curtains in place?

4 A. There was a check curtain at the tailpiece ---

5 Q. Okay.

6 A. --- because we backed the feeder off to fix the
7 chain.

8 Q. Okay. Now, which section are we talking about?

9 A. That would have been on the --- I can't remember.
10 The curtain's somewhere, because it was all balled up
11 right there. That was the only thing I know. I think
12 their intake come up the power center. I can't
13 remember. I think walking up the track would have
14 been the power center.

15 Q. Okay. I'm sorry. Which section, the Headgate 22
16 or the Number Three Section?

17 A. The Headgate 22.

18 Q. Okay. When you were up there, where was the check
19 curtain in relation to the feeder?

20 A. I remember going through curtain, this wet and
21 nasty curtain. I can't remember if that was going
22 over towards the feeder or going back towards --- you
23 know. It was in here (indicating) somewhere. I went
24 through a curtain. And it could have been the line
25 curtain, because they move all the time. I don't know

1 how they mine up there. I don't know how they
2 ventilate up there because I don't go up there.

3 Q. So when you went to that feeder on the 22
4 Headgate, ---

5 A. Uh-huh (yes).

6 Q. --- which entry did you travel up?

7 A. I would have been going up the track. I'm pretty
8 sure it's in this green one here, the track.

9 Q. Do you recall, was the track and the belt in the
10 same or different entries?

11 A. The headgate?

12 Q. Yes.

13 A. Track was --- the belt's over here; track's right
14 here.

15 Q. Okay. So the belt was in the --- with the orange
16 line?

17 A. Uh-huh (yes).

18 Q. And then the track was in the center entrance?

19 A. Yes, sir. I didn't go up there much, so I
20 couldn't tell you exactly how they ventilate. I
21 couldn't tell you.

22 MR. BATES:

23 That's it. Terry?

24 RE-EXAMINATION

25 BY MR. FARLEY:

1 Q. When you traveled to the longwall on the 22
2 Headgate, you traveled through the track entry; right?

3 A. To the longwall?

4 Q. Yes.

5 A. Yes, it would have been the track.

6 Q. Okay. Was there high voltage cable hanging in the
7 track entry?

8 A. Are you talking about coming down toward the
9 longwall ---

10 Q. Yeah.

11 A. --- or the mouth of the longwall?

12 Q. Yes, yes.

13 A. Yeah, there's high voltage cable there.

14 Q. Okay. Would that have been --- same have been
15 true going to 22 Headgate?

16 A. 22 Headgate?

17 Q. Yes.

18 A. I can't remember if it's in the track.

19 Q. Okay. Well, let me just put it this way. When
20 you were traveling to the longwall and to 22 Headgate,
21 did you notice any new splices in the high voltage
22 cable at any location?

23 A. No, sir.

24 Q. Okay. When you're doing weekly exams on the power
25 centers, did you ever observe any black float dust

1 through the visual windows?

2 A. No, sir.

3 Q. Okay. Now, on April 5th after the explosion
4 occurred, you indicated you stayed until about nine
5 o'clock. Did you see anybody go underground while you
6 waited until nine o'clock?

7 A. No, sir.

8 Q. Okay.

9 A. I was on the south side.

10 Q. Okay. Well, while you were in the area of after
11 the explosion until nine o'clock, did you hear
12 anything over the mine phone? Were you in a position
13 to hear the mine phone?

14 A. No, they put me in by the portal. It was when the
15 people come out to write down their names ---

16 Q. Okay.

17 A. --- and make sure they was out.

18 Q. All right. They put you in at the portal to write
19 down names as people exited the mines?

20 A. Exited the mines, yes, sir.

21 Q. Okay. Now, would that have included the mine
22 rescue teams until nine o'clock?

23 A. No, sir. No, sir. I done stopped at the ---
24 another boy was doing it. They was checking. They
25 was right there at the portal.

1 Q. Okay. Do you remember any of the names that you
2 wrote down as you were stationed there of people
3 exiting the mine?

4 A. The ones that was there, it was --- only people
5 that come out was the barrier section's crew.

6 Q. Okay. Are you talking about just the people who
7 were underground at the time of the explosion?

8 A. The ones that come out, yes, was the barrier
9 section.

10 Q. Okay. Well, you wrote down their names?

11 A. They wrote down their names. They put ---

12 Q. Okay.

13 A. --- down to make sure everybody was out.

14 Q. All right. You collected the names of the people
15 that were working ---

16 A. Yeah.

17 Q. --- underground at the time of the explosion?

18 A. The ones that come outside.

19 Q. All right. I got you. Now, on April 5th --- we
20 may have asked this one, but let me make sure. On
21 April 5th, before you went to the motor barn, had you
22 received any kind of a work order yet, any things to
23 do?

24 A. No, sir.

25 MR. FARLEY:

1 Okay, all right. That's it.

2 RE-EXAMINATION

3 BY MR. MCGINLEY:

4 Q. You said that you got a new spotter out of the box
5 and had it for about two weeks?

6 A. Yes, sir.

7 Q. A couple --- two, three weeks before the
8 explosion?

9 A. Yes, sir.

10 Q. So why did you get it then? You hadn't been
11 carrying one before.

12 A. I didn't have one. No, sir. I either borrowed
13 Mr. Henline's when I went somewhere by myself or we
14 was together and he always had one.

15 Q. But why did you get one?

16 A. I needed one because I would be going by myself.
17 And you know, if he went one way and I went the other
18 --- you know, anytime you're alone you got to have
19 one.

20 Q. Okay. You said you were told that they had a
21 build up of water behind the longwall. Who told you
22 that?

23 A. Just the guys that was working up there. You
24 know, they --- all this water was going to ---. This
25 is the reason they was --- I'm thinking they was doing

1 this to keep the water from coming over in here
2 (indicating) and going to their section.

3 Q. But when you say doing this, drive the MMU-040
4 panel?

5 A. Yeah, for the water, because they --- everybody
6 told me ---. I didn't go up there myself, but ---.

7 Q. What crews were the people that were telling you
8 about the water there behind the longwall?

9 A. The longwall mentioned it, you know. The guy that
10 walks it mentioned it. There was water there.

11 Q. So you did have ---

12 A. No.

13 Q. --- discussions with people that worked at
14 the ---?

15 A. Yeah, about the water --- about the water being
16 high.

17 Q. But you didn't have any discussions with them
18 about anything else but the water?

19 A. Yeah, just --- you know, I just mentioned about
20 the water, you know? There's a lot of water. You're
21 going to get wet if you go up that way.

22 Q. Well, you said before that was a long way off and
23 you really didn't know what was going on there,
24 but ---.

25 A. Behind the wall was where the water was at.

1 Q. Right. But that's the only thing they talked to
2 you about, ---

3 A. Yes.

4 Q. --- the water?

5 A. The water. Just the water behind the ---.

6 Q. And did they tell you that at times they had to
7 wade through waist-deep water?

8 A. No, sir.

9 Q. Did you hear that?

10 A. No, sir.

11 Q. You didn't know that?

12 A. No, sir. I don't know if the water was coming out
13 of the top, out of the ribs, what, where the water was
14 coming from.

15 Q. Do you know anything about pumps up there
16 malfunctioning and having --- maybe needing replaced?

17 A. No, sir.

18 Q. Who would know that? Who would work on that?

19 A. Who would work on those?

20 Q. Yeah.

21 A. I'm going to say it was Jeremy Burdoff. He was
22 the water man up in there, I thought. I'm thinking, I
23 ain't for sure.

24 Q. Sure. Jerry McBurthoff?

25 A. Jeremy ---

1 Q. Jeremy?

2 A. --- Burdoff. I think it's his name.

3 Q. Burdoff, okay.

4 A. He used to work with us up on Three and then he
5 went over here (indicating) to work on water pumps and
6 stuff like that.

7 Q. Is he an electrician?

8 A. No, sir. He was a fire boss.

9 Q. Fire boss. Those airlock doors, the equipment
10 airlock doors, did they get bumped around and damaged
11 every now and then?

12 A. Oh, yes, I guess they could. Yeah.

13 Q. Did they have to --- you see some instances where
14 they were damaged? They had to be replaced or
15 repaired?

16 A. I seen --- you mean the ones we come through to
17 get ---

18 Q. Right.

19 A. --- to the section?

20 Q. Right. You were talking, like, 73 or 76 Break,
21 somewhere around there?

22 A. Yeah, they had new doors sitting there like they
23 was going to replace the doors that was there. But
24 you know, any big gaping holes in them, not that I
25 seen.

1 Q. What about you get out, you shut them and then
2 they open again? You're walking back and they open.
3 You see they're opening again, you have to go back and
4 shut them?

5 A. Yes, they would. But if you had pressure on them,
6 I guess they would open.

7 Q. Did that ever happen to you?

8 A. Open back?

9 Q. Yeah.

10 A. No. I mean, once you got out and opened them, you
11 blocked them up to get through them and you shut them
12 back.

13 Q. Well, I'm saying that, you know, if you shut them
14 and they opened again, you went back?

15 A. Yeah, you'd have to go back and shut them. Yeah.

16 Q. If you noticed? Could it be that they'd open up
17 again and you wouldn't notice it?

18 A. Well, I'm sure it could happen.

19 Q. What kind of damage did you observe on the doors,
20 you know?

21 A. Just bent things and bangs where they've been hit,
22 but nothing that was big, nothing I noticed that was
23 big.

24 Q. What's the most damage you noticed on the doors?

25 A. Just bent handles, stuff like that, and the jacks

1 didn't work. You know, they didn't have electric
2 jacks on them like most doors do.

3 Q. Were they supposed to operate electronically, you
4 know, automatically push a button?

5 A. They was set up that way, yes, sir.

6 Q. They didn't work that way?

7 A. They didn't work that way. You had to get out and
8 manually open the doors.

9 MR. MCGINLEY:

10 Okay. That's all the questions. Thanks.

11 RE-EXAMINATION

12 BY ATTORNEY WILSON:

13 Q. Mr. Bragg, just a couple quick questions. When
14 you were up on the Headgate 22 in March, do you recall
15 what the rock dusting looked like on the section?

16 A. Up to the point to the ---?

17 Q. Up to the point that you observed.

18 A. Mostly up to it, yeah, it'd been --- looked like
19 it'd been hand dusted and looks like they even had
20 machine dusted the roof and the ribs. It was pretty
21 much dusted from what I seen.

22 Q. Do you recall observing anywhere any accumulations
23 of coal, coal dust, float coal dust?

24 A. No, sir. Pretty clean.

25 Q. The portal that you would enter, do you recall on

1 the track which way the air would normally travel?

2 A. The portal entry that you --- it hit you in the
3 --- it was cold in the face.

4 Q. Do you recall which direction it would travel?

5 A. No. There wasn't a whole lot of it that far out,
6 no.

7 Q. All right. Do you recall ever the air on the
8 track reversing?

9 A. No, sir.

10 ATTORNEY WILSON:

11 All right. Terry, anything else?

12 MR. MCGINLEY:

13 I got a ---

14 MR. FARLEY:

15 No, sir.

16 MR. MCGINLEY:

17 --- couple.

18 RE-EXAMINATION

19 BY MR. MCGINLEY:

20 Q. Do you know, do you know what reversing the air
21 means?

22 A. I don't know what he's trying to get at, no.

23 ATTORNEY WILSON:

24 Going in the different direction.

25 A. Where it usually goes?

1 ATTORNEY WILSON:

2 Correct.

3 A. No, sir.

4 BY MR. MCGINLEY:

5 Q. Did you know any of the guys that were killed in
6 the explosion?

7 A. Yes. I knowed them all, except the longwall.

8 Q. So did you talk to any of them before the
9 explosion very much about the work up there?

10 A. Nothing out of the usual. It didn't seem like
11 they was scared. It didn't seem like they was
12 anything ---

13 Q. No problem?

14 A. --- out of the ordinary. If they would have been
15 something wrong, somebody would have said something.
16 Don't go up there, you know? It's going to blow up,
17 or something like that. Only fear I had was the shady
18 top that was in that coal mines. It had raggedy top
19 here and there. Gas fears, I didn't have none until
20 the today, well, April 5th. And they said it blowed
21 up because of methane.

22 Q. You thought --- to your knowledge, there really
23 wasn't any methane in that mine?

24 A. As far as I knew, there was no methane in that
25 mines.

1 Q. Nobody ever detected methane?

2 A. Nobody ever --- well, you know, you're going ---
3 there's going to be a very little bit because it's a
4 coal mines, but nobody ever said that they had a build
5 up of methane. It's going to blow up or nothing. No,
6 sir.

7 Q. Okay.

8 A. No bosses told me. No miner men said anything, no
9 scoop men, nothing.

10 MR. MCGINLEY:

11 Okay. All right. No other questions.

12 ATTORNEY WILSON:

13 All right, then, Mr. Bragg. On behalf of
14 MSHA and everyone else here, I want to thank you for
15 coming in today and answering our questions. Your
16 cooperation is very important to the investigation as
17 we work to determine the cause of the accident.

18 Before we finish I want to give you an
19 opportunity. If there was anything that --- else that
20 you think we should know about, maybe a question you
21 thought we would ask that we didn't ask or any other
22 information that you think might be helpful, I want to
23 give you an opportunity now to provide that.

24 A. There's nothing I can say.

25 ATTORNEY WILSON:

1 Okay.

2 A. What you asked is ---. The only thing I know is
3 what I told you.

4 ATTORNEY WILSON:

5 All right. Well, if you do think of any
6 additional information that you want to provide to us
7 or if you think about someone else that you think we
8 should talk to, please contact us at the contact
9 information provided in the letter. I do want to
10 inform you of your rights under the Mine Act.

11 Any statements given by miner witnesses
12 to MSHA are considered to be an exercise of statutory
13 rights and protected activity under Section 105(c) of
14 the Mine Act. If you believe that any discharge,
15 discrimination or any adverse action is taken against
16 you as a result of your cooperation with this
17 investigation, you are encouraged to immediately
18 contact MSHA and file a complaint under Section 105(c)
19 of the Act.

20 And that is not just limited to your
21 involvement with this investigation. At any time in
22 your coal mine employment, if you ever report
23 something to MSHA or to an inspector and you believe
24 that as a result of that, adverse action is taken
25 against you, you should contact MSHA and report that.

1 Remedies under the Mine Act include back
2 wages and immediate temporary reinstatement to your
3 most recent position, pending a complete investigation
4 of your complaint. In order to file such a complaint
5 you should contact the MSHA district office in Mount
6 Hope, and that information is also provided in the
7 letter that we gave to you. For more information
8 concerning your rights, you could go to MSHA'S website
9 at www.msha.gov.

10 As I stated earlier, because we will be
11 interviewing additional witnesses, I ask that you not
12 discuss your testimony with anyone. After questioning
13 other witness, we may call you if we any follow-up
14 questions. Again, I want to thank you for your
15 cooperation and your time appearing here today. We'll
16 go off the record.

17 * * * * *

18 STATEMENT UNDER OATH CONCLUDED AT 11:36 A.M.

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1 STATE OF WEST VIRGINIA)

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4 CERTIFICATE

5 I, Alicia R. Brant, a Notary Public in and
6 for the State of West Virginia, do hereby certify:

7 That the witness whose testimony appears in
8 the foregoing deposition, was duly sworn by me on said
9 date and that the transcribed deposition of said
10 witness is a true record of the testimony given by
11 said witness;

12 That the proceeding is herein recorded fully
13 and accurately;

14 That I am neither attorney nor counsel for,
15 nor related to any of the parties to the action in
16 which these depositions were taken, and further that I
17 am not a relative of any attorney or counsel employed
18 by the parties hereto, or financially interested in
19 this action.



20
21
22 *Alicia R. Brant*
23
24
25