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Statement Under Oath of Joshua Hodge

Date: August 12, 2010

Printed On: August 23, 2010

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STATEMENT UNDER OATH

OF

JOSHUA HODGE

taken pursuant to Notice by Alison Salyards, 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 Thursday, August 12, 2010, beginning at 10:30 a.m.

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P R O C E E D I N G S

ATTORNEY HAMPTON:

My name is Polly Hampton. Today is August 12th, 2010. I am with the Office of the Solicitor, U.S. Department of Labor. With me here is Erik Sherer. He is an accident investigator with the Mine Safety and Health Administration, MSHA, an agency of the United States Department of Labor. Also present here are some individuals from the State of West Virginia, and I ask that they now state their appearance for the record.

MR. FARLEY:

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

MS. SPENCE:

I'm Beth Spence, with the Governor's independent investigation.

ATTORNEY HAMPTON:

There are also a couple other members of the other teams that are in the audience today. All members of the Mine Safety and Health Accident Investigation Team and all members of the State of West Virginia Accident Investigation Team participating in the investigation of the Upper Big

1 Branch Mine explosion shall keep confidential all
2 information that is gathered from each witness who
3 voluntarily provides a statement until the witness
4 statements are officially released. MSHA and the
5 State of West Virginia shall keep this information
6 confidential so that other ongoing enforcement
7 activities are not prejudiced or jeopardized in any
8 way by a premature release of information. This
9 confidentiality requirement shall not preclude
10 investigation team members from sharing information
11 with each other or with other law enforcement
12 officials. Your participation in this interview
13 constitutes your agreement to also keep this
14 information confidential.

15 Government investigators and specialists

16 have been assigned to investigate the conditions,
17 events and circumstances surrounding the fatalities
18 that occurred at Upper Big Branch Mine-South on April
19 5th, 2010. The investigation is being conducted by
20 MSHA under Section 103(a) of the Federal Mine Safety
21 and health Act and the West Virginia Office of Miners'
22 Health, Safety and Training. We do really appreciate
23 your assistance in coming in today and helping us out.

24 You may have a personal attorney present

25 during the taking of the statement or a personal

1 representative. Your statement is completely
2 voluntary. You may refuse to answer any question and
3 you may terminate your interview at any time. Just so
4 that the record is clear, did you bring anybody with
5 you here today?

6 MR. HODGE:

7 No, ma'am.

8 ATTORNEY HAMPTON:

9 Okay. Your identity and the content of
10 this conversation will be made public at the
11 conclusion of the interview process and may be
12 included in the public report of the accident, unless
13 you request that your identity remain confidential or
14 your information would otherwise jeopardize a
15 potential criminal investigation. If you request us
16 to keep your identity confidential, we will do to the
17 extent permitted by law. That means that if a judge
18 requires us to reveal your name or if another law
19 requires us to reveal your name or if there are other
20 law enforcement purposes that require us to reveal
21 your name, we may do so. And as I told you before we
22 went on the record, the State has their own
23 confidentiality requirements, and they are subject to
24 the Rules as well.

25 Also, there may be a need to use the

1 information you provide to us or other information we
2 may ask you to provide in the future in other
3 investigations into and hearings about the explosion.

4 Do you understand?

5 MR. HODGE:

6 Yes.

7 ATTORNEY HAMPTON:

8 Do you have any questions about that?

9 MR. HODGE:

10 No.

11 ATTORNEY HAMPTON:

12 After the investigation is complete, MSHA
13 will issue a public report detailing the nature and
14 causes of the fatalities in the hope that greater
15 awareness about the causes of accidents can reduce
16 their occurrence in the future. Information obtained
17 through witness interviews is frequently included in
18 these reports. Since we will be interviewing other
19 people, we do request that you not share the nature of
20 your testimony today with other people.

21 A court reporter is here. She is going
22 to be recording the interview, so please speak loudly
23 and clearly to make sure she can understand
24 everything. If you don't understand a question,
25 please let us know, and we can have the questioner

1 rephrase it. And if you are asked something, please
2 answer as fully as you can and also feel free to
3 include information you might have learned from
4 somebody else.

5 We'd like to thank you in advance for
6 your cooperation here. We do appreciate your
7 assistance in the investigation. Your cooperation is
8 critical in making the nation's mines safer. After we
9 have finished questions, you will then have an
10 opportunity to make any statement or to go through any
11 of the answers that you've already given to make any
12 clarification as well. I'd like you to know that
13 after you leave here today, if there's anything else
14 that you think of or anything else you'd like to share
15 with the teams, please feel free to contact us at the
16 information that was provided to you in the letter
17 that I handed you before the interview. Norman Page
18 is the lead accident investigator for the MSHA team,
19 and he can be reached through the phone number and
20 e-mail address in that letter.

21 Any statements given by miner witnesses
22 to MSHA are considered to be an exercise of statutory
23 rights and protected activity under Section 105(c) of
24 the Mine Act. If you do believe that any discharge,
25 discrimination or other adverse action is taken

1 against you as a result of your cooperation with this
2 investigation, you may contact MSHA and file a
3 complaint under Section 105(c) of the Act.

4 MR. FARLEY:

5 Mr. Hodge, on behalf of the Office of
6 Miners' Health, Safety and Training, I'd like to let
7 you know that the West Virginia Mine Safety
8 Regulations also provide protection against potential
9 discrimination for participating in these type
10 interviews. And I've already given you some contact
11 information should you experience any problems.

12 ATTORNEY HAMPTON:

13 Okay. Let's begin.

14 -----

15 JOSHUA HODGE, HAVING FIRST BEEN DULY SWORN, TESTIFIED
16 AS FOLLOWS:

17 -----

18 EXAMINATION

19 BY MR. SHERER:

20 Q. First of all, I want to thank you for coming down
21 here this morning, Mr. Hodge. Can you please state
22 your full name and spell your last name for the
23 record?

24 A. My name is Joshua Lee Hodge, H-O-D-G-E.

25 Q. Thank you. What's your address and telephone

1 number, please?

2 A. You want mailing?

3 Q. Yes.

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

5 Telephone number is (b) (7)(C)

6 Q. Thank you. Roughly, how long have you been in the
7 coal mining industry?

8 A. Two years August the 4th.

9 Q. Have you been employed that entire time by the
10 Massey organization?

11 A. Yes, sir.

12 Q. When did you start working up at Upper Big Branch
13 Mine?

14 A. August 4th, 2008.

15 Q. Have you worked at any other Massey operations
16 during that time period?

17 A. Yes. I went to Slip Ridge for approximately five
18 to seven weeks. It was during August of 2009.

19 Q. Okay. Were you working at Upper big Branch
20 immediately preceding the explosion a week or so prior
21 to the explosion?

22 A. Yes, I've been working there.

23 Q. Okay. What was your job description preceding the
24 explosion?

25 A. A continuous miner operator.

1 Q. Thank you. Which section did you work on?

2 A. The Tailgate 22 section.

3 Q. Okay. And which shift did you work on?

4 A. Evening shift.

5 Q. Okay. Did you guys rotate or ---?

6 A. No. No, sir. We did not swing.

7 Q. Straight shift?

8 A. Yes.

9 Q. Who is your section boss?

10 A. Brian Collins.

11 Q. We've heard him referred to as Hammer.

12 A. Yes. That's his name.

13 Q. Who else worked on that section with you?

14 A. Do you want a list of everybody?

15 Q. Sure.

16 A. I was the only miner operator. I walked miners.

17 We had three bolt men, Danny McAllister, Mike Smith,

18 Steve Daniels. Our shuttle car operators were Dave

19 Lambert and Kenny Kolson, scoop man was Jeremy Irvin,

20 and section electrician was Scott Barnett.

21 Q. What was the last shift you worked prior to the
22 explosion; do you recall?

23 A. It was the Wednesday before that. My son was
24 born, and I took off Thursday.

25 Q. Congratulations.

1 A. And Friday we were off, and I went back Monday,
2 and that's when it happened.

3 Q. Okay. Do you recall anything out of the ordinary
4 that may have occurred on the Wednesday shift, your
5 last shift there.

6 A. No, sir. Everything went normal.

7 Q. Okay. What's the air like on the section?

8 A. It was good. It was real good up the intake
9 there. I never had any problems with bad air, I mean,
10 you know, not having enough air.

11 Q. Sure. And what was the minimum quantity you
12 required?

13 A. I'm pretty sure it was 9,000 on the right side ---
14 or 8,000 on the right side and 9,000 on the left side,
15 but I've had so many different MMUs since then. I'm
16 pretty sure that's what it was, nine and eight.

17 Q. Sure. Do you recall how much you needed in the
18 last open?

19 A. I'm thinking --- wasn't it in the 20s?

20 Q. Massey had a requirement for 20.

21 A. Yeah.

22 Q. Let me ask you a slightly different question
23 related to ventilation. Did you normally wear a
24 jacket?

25 A. No, sir. I don't wear a jacket even in the

1 wintertime.

2 Q. Okay. You work pretty hard then?

3 A. Yeah.

4 Q. Did you notice if it seemed to have gotten cooler
5 or hotter on the section in the week or so prior to
6 the explosion?

7 A. It always stayed the same temperature. You never
8 noticed a difference, really.

9 Q. Was there a sign above the power center? Did you
10 ever notice that?

11 A. I don't guess I've ever noticed a sign above the
12 power center.

13 Q. Okay. Have you ever seen a problem with the air
14 being reversed on the belt on that section?

15 A. Yes, sir, that did happen one time.

16 Q. Okay.

17 A. But we shut down immediately until the problem was
18 fixed.

19 Q. Okay. Can you tell us exactly what you recall
20 about that?

21 A. My boss, Hammer, came up there and said, shut down
22 because we were having a problem getting the right
23 amount of air. I was in the belt entry at the time,
24 which is Number Two entry. We were having a hard time
25 getting the air there. He told me to shut down

1 because we couldn't get enough air coming through the
2 last open break. And we went down behind the feeder
3 line and we had --- I think it was roughly --- it was
4 47 coming up the belt. And he then immediately called
5 outside and called the mine foreman, and we had to
6 build a stopping somewhere to get the air right before
7 we ran again. We were roughly down for like three
8 hours, I believe.

9 Q. Do you recall about when that happened?

10 A. What time or what day?

11 Q. What day?

12 A. It was one of the first --- probably the second
13 week we were on this new tailgate section. I can't
14 remember the months.

15 Q. Okay. About when did you start working on that
16 tailgate section?

17 A. We weren't up there long, probably February,
18 January. I can't --- I'm not good with the timeframe.

19 Q. Sure. Where did you work prior to coming up
20 there?

21 A. We worked on old Number Two section, which --- I
22 can't point to you on the map, but I'm pretty sure it
23 was this panel.

24 Q. Okay.

25 MR. FARLEY:

1 Okay. And the witness is pointing to the
2 rooms developed immediately outby the takeout point on
3 the longwall.

4 A. Yes. I'm pretty sure that's where. Yeah, that's
5 where we were at.

6 BY MR. SHERER:

7 Q. How did you move the equipment up there?

8 A. Trammed.

9 Q. Trammed it?

10 A. Yeah.

11 Q. Okay. Now, I assume you had a methane spotter?

12 A. Yes, sir.

13 Q. What type of spotter did you have?

14 A. What type?

15 Q. Yeah.

16 A. I don't know the type.

17 Q. Little black and green one?

18 A. No. Mine was a big silver one.

19 Q. Did you carry that home or did you recharge it?

20 A. No, sir. I always left it at work.

21 Q. Okay. Who calibrated that?

22 A. Gary May usually calibrated them for us, ---

23 Q. Okay.

24 A. --- or anybody with, you know, a machine.

25 Q. Sure. You didn't personally calibrate it?

1 A. No. No, sir. I don't even know how.

2 Q. What's the most methane you ever picked up on this
3 tailgate section?

4 A. It might have --- .2 maybe once, but never --- I
5 never seen gas.

6 Q. Okay. What about the methane monitor on the
7 miner, what's the highest reading you recall that it
8 showed?

9 A. Same. If I see. Usually if I see methane on the
10 miner, I check it with my spotter, too.

11 Q. Okay. And you get about the same readings?

12 A. Yeah, roughly.

13 Q. Now, where would you check it at with your
14 spotter?

15 A. I would put --- you know, use the magnet, put it
16 on the side of the miner and run it on the face.

17 Q. Okay. So you're measuring about the same
18 location?

19 A. Yes.

20 Q. Do you ever smell anything a little odd, something
21 like kerosene or ---?

22 A. Like a sulfur smell sometimes, you know, a real
23 stink smell sometimes.

24 Q. When would you smell that?

25 A. Just here and there. I mean, I've smelled it on

1 every section I've ever worked on, really, sometimes.

2 Q. Do you know what hydrogen sulfide smells like?

3 A. No, sir, I don't know.

4 Q. It's kind of a rotten egg type of smell?

5 A. That's kind of like what it's like, I guess.

6 Q. Okay. Do you recall if there were any puddles up
7 and down through there that were bubbling?

8 A. No.

9 Q. What were the roof, rib and floor like?

10 A. Our roof was solid sandstone. It was good. The
11 floor, the same. Ribs didn't bust out real bad, I can
12 recall.

13 Q. Wouldn't take much, would it?

14 A. Huh? No, no. No, sir, I don't guess.

15 Q. Did you ever notice any floor hooving anywhere on
16 that section?

17 A. No, the floor wouldn't, but the bottom would bust
18 up here and there, yes.

19 Q. Would it heave up a pretty good bit or just a few
20 inches?

21 A. Some places it was significant. Otherwise it was
22 nothing to really care about, I mean.

23 Q. Did you ever have to tram your miner back and cut
24 them down?

25 A. No, I never took it to that extreme.

1 Q. They could handle it with a scoop?

2 A. Uh-huh (yes). Yes.

3 Q. How did you guys get to the section? Where did
4 your mantrip let you off at?

5 A. Let's see here. We would take the track up to
6 Six, Seven North belt ---

7 Q. Uh-huh (yes).

8 A. --- line here until we get to --- let me see where
9 I'm at. Until we --- and we get up here and turn.

10 Q. At the mouth of Headgate 22?

11 A. Yeah, and then come across here and then park in
12 this area.

13 Q. So you would turn, come down the --- this is an
14 area we call the connector that connects the headgate
15 and the tailgate?

16 A. Yea. We usually --- our track and --- they had
17 just put a turn in here.

18 ATTORNEY HAMPTON:

19 I'm sorry. In here?

20 BY MR. SHERER:

21 Q. At the mouth of the ---

22 A. The mouth of ---.

23 Q. --- 22 Tailgate.

24 A. Yeah.

25 Q. Okay. Did you have a charger for your mantrip

1 down there?

2 A. No, sir.

3 Q. Were there any other chargers down near the mouth
4 of the tailgate?

5 A. No, sir. I don't guess.

6 Q. Okay.

7 A. I never really paid attention to stuff like that.

8 Q. Okay. Sure. You didn't have to worry about
9 recharging your miner?

10 A. No.

11 Q. Okay. Did you guys ever have to shoot anything on
12 that section, use explosives?

13 A. No, sir. Anything that would have needed such
14 measures, we used the miner, like to cut out overcasts
15 or anything like that, boom holes and ---.

16 Q. Sure.

17 A. We always used the miner.

18 Q. What was the cutting like? Was the coal hard to
19 cut or did it come out pretty easy?

20 A. The loading wasn't really good because you had to
21 --- it wasn't the fact that the coal was hard. It was
22 just that you have to maintain a certain height there,
23 and you definitely couldn't get it out of the top, so
24 there was as lot of cutting in the bottom there. I
25 was taking probably 24 inches of bottom in some spots

1 to maintain the 66-inch height or whatever.

2 Q. Okay. Was the bottom cutting easy or was it hard?

3 A. It wasn't bad.

4 Q. Was it slate or shale?

5 A. Well, yeah. But it had some hard streaks in it,
6 you know. It varied.

7 Q. So ---.

8 A. But you could get down in it. It was possible.

9 Q. Okay. Was there a middleman in the coal seam or
10 was it pretty clean?

11 A. I'm pretty sure it was pretty clean.

12 Q. You say you were taking about a 66-inch height
13 through there?

14 A. Tried. Yes, tried to maintain that.

15 Q. The last shift you worked, how many breaks back
16 was the feeder?

17 A. We --- it aggravated me, but we kept the feeder
18 right up on us all the time. It was. I think we
19 moved --- any time we got probably three breaks away
20 --- they only maintained one open line most of the
21 time is what I'm trying to say.

22 Q. Sure.

23 A. It's pretty aggravating.

24 Q. That's a little tight on three entries?

25 A. Yeah, with two miners, two bolt machines and three

1 buggies it's aggravating.

2 Q. Sure. When you were turning the crosscuts,
3 especially when you were breaking through, did you
4 ever break through into there?

5 A. No, sir. I don't like to do that, no.

6 Q. Did you ever hear anybody say we need to
7 straighten things up or, you know, just be careful, we
8 got some inspectors on the property, maybe some
9 company on the property?

10 A. Well, you generally try to do everything right, no
11 matter what. But if you hear that an inspector is
12 coming, you know, you try to make it look extraly ---
13 you know, clean it, mainly getting the scoop in there
14 and clean it more than what it's already cleaned just
15 so they can't raise an eyebrow.

16 Q. Sure. I used to do the same when my mother-in-law
17 was coming.

18 A. Yeah.

19 Q. What about methane monitors on the machine, did
20 you ever hear of anybody bridging one out?

21 A. No, I would never run a piece of equipment ---
22 it's not worth it.

23 Q. Did you ever run without curtain?

24 A. No, sir.

25 Q. Did you ever have to put any diagonal curtains to

1 get the air?

2 A. At times. You do what you can.

3 Q. Oh, yeah. I understand that. Has anybody from
4 the company interviewed you?

5 A. I talked to lawyers.

6 Q. And when did you do that?

7 A. Pretty much immediately after it happened. They
8 gave us two weeks off there. I didn't work for two
9 weeks. I didn't talk to them.

10 Q. Do you recall where that was at?

11 A. Elk Run's safety office.

12 Q. Was it one interview?

13 A. Yeah, just one.

14 Q. Did they ask you any different types of questions
15 than what I've asked you so far?

16 A. Pretty much the same. The difference is you know
17 what you're talking about and they don't.

18 Q. I appreciate that. What do you think happened
19 here at this mine that caused this explosion?

20 A. I mean, honestly, I don't think there was any foul
21 play. I just think sometimes it happens, I guess.

22 Q. Sure.

23 A. Because I mean --- you know, you can believe that
24 the upper --- the bigger guys are greedy, they're out
25 for how much money they can make, but I ain't going to

1 risk my life for them.

2 Q. Sure.

3 A. That's just the way I feel. I'm sure everybody
4 else feels the same way.

5 Q. What did you feel about the ventilation at this
6 mine? Did you think it was adequate at all times?

7 A. Yeah, it --- we had --- I mean, there was hardly a
8 day you didn't see an inspector there, so they ---
9 they tried to keep things. I know we had a lot of
10 violations, but I never had a problem with
11 ventilation. I mean, if so we'd be shut down for
12 sometimes a couple days at a time trying to get it
13 right.

14 Q. Sure. Do you recall anything that happened we
15 think about a week before the explosion that cut down
16 the ventilation quantity? Or it may have actually
17 increased it on the miner sections.

18 A. I don't guess.

19 Q. Okay. Thank you.

20 MR. SHERER:

21 That's all the questions I've got.

22 ATTORNEY FARLEY:

23 I have a couple, three things.

24 EXAMINATION

25 BY MR. FARLEY:

1 Q. He asked you if you recalled anything along the
2 line of a ventilation change. Based on my reading of
3 the longwall face air readings in the pre-shift and
4 on-shift books, the last open break air reading on the
5 longwall went from about 115,000 cubic feet per minute
6 in the early part of March to around 55,000 to 65,000
7 near the end of the month. It's apparent that there
8 was some kind of an air change that was made, and we
9 reasoned that it might have been to get air to 22
10 Headgate section.

11 A. Yeah.

12 Q. Are you familiar with anything along that line?

13 A. Now, when we had --- when we first started our
14 section, I think that caused a big ruckus with the
15 air, trying to get them --- us and them, headgate,
16 tailgate and the longwall all the air, because we
17 weren't on --- when we were mining back here, we
18 weren't all on the same, I don't guess, airway there.
19 I think that might have --- that might be where you're
20 getting at.

21 Q. Okay. But when you started the Tailgate 22
22 section and you indicated it might have caused a
23 ruckus with the ventilation, anything in particular
24 stand out or was there any explanation given to you as
25 to what the problems could be?

1 A. No. No. I never really asked, you know, anything
2 about it.

3 Q. In talking to one of the other people that worked
4 on your section, the 22 Tailgate, actually worked on
5 the evening shift, he described an event that happened
6 a week or so prior to the explosion where the roof
7 bolter --- the roof bolt machine operators were
8 bolting a place in the face and there was some kind of
9 an event where they had this very loud thumping noise
10 that had caused them to flee or to run, and he said it
11 was loud enough to where it scared him, and he was a
12 couple crosscuts away. Do you recall any of that?

13 A. Yeah, I know what he's talking about. At the time
14 I was in Number Three entry. They were bolting --- we
15 turned a right-handed break across Number Two entry,
16 and I was going to punch into that from Number Three.
17 And I was setting up there and I heard what he heard,
18 and it was --- the bottom bumped, is what it was. And
19 like I said, it was one of those little cracks that
20 --- I mean, it wasn't --- I guess its bark was louder
21 than its bite because it really wasn't nothing. I
22 mean, it was just the bottom cracked.

23 Q. Okay.

24 A. I forgot all about that.

25 Q. Okay. Now, am I correct that that was about a

1 week or so prior to the explosion?

2 A. It might have been a little --- it might have been
3 two weeks, ---

4 Q. Okay.

5 A. --- because like I said, a week before the
6 explosion, I was only there two days that week.

7 Q. Right. Okay. All right. When this little bottom
8 bump occurred, do you know if any methane was
9 detected?

10 A. No. No.

11 Q. Okay. All right. One more. You indicated that
12 during the shift, when you had the ventilation problem
13 where air was coming up the belt entry instead of the
14 intake, that in order to correct that you guys had to
15 build a stopping, ---

16 A. Yeah.

17 Q. --- where did you build the stopping?

18 A. See, I wasn't a part of the stopping building. I
19 don't --- it was --- there's an overcast right here.

20 Q. Would you mark it for me, please? If we gave you
21 a marker, would you just ---?

22 A. See, and I think --- I'm not for sure, but I think
23 it was inby the overcast, but I don't know exact --- I
24 really couldn't be exact there.

25 Q. Maybe just circle the general area.

1 A. I don't know how they did it exactly, but --- and
2 we had air coming up our intake. I want to make
3 that --- but there was more coming up the belt line
4 than what there was the intake. And they built a
5 stopping to stop this, and I really --- I mean, I
6 couldn't be accurate with it, and I don't want to ---.

7 Q. Okay. That's all right.

8 A. I don't want to ---.

9 Q. That's fine.

10 A. Because I wasn't back there.

11 Q. All right.

12 A. It was the boss and a bolt man and the scoop man
13 who ---.

14 Q. That's fine. If you don't know, you don't know.

15 A. But we did do a stopping. It might have been two,
16 but they did something together. I was on --- in the
17 face, you know, helping them clean, setting bits and
18 stuff like that.

19 Q. I got you.

20 MR. FARLEY:

21 I don't think I have anything else.

22 EXAMINATION

23 BY MS. SPENCE:

24 Q. Were you underground at the time of the explosion?

25 A. No, ma'am.

1 Q. Okay. Were you on Mine property?

2 A. Yes, ma'am.

3 Q. And did you stay there for ---?

4 A. Yes, ma'am.

5 Q. Can you tell me about your day then there that
6 day?

7 A. I had arrived at work and got dressed. I was in
8 the bath house and everybody --- a few people rushed
9 in and said we had a big rock fall because dust and
10 debris came out of the drift mouth and the fan area
11 there and said that they had no communication to any
12 of the sections and that we might be going home. And
13 I walked upstairs and they had just --- one second,
14 please.

15 Q. Take as much time as you want. If you want a
16 break ---.

17 ATTORNEY HAMPTON:

18 Let's go off the record for a moment.

19 SHORT BREAK TAKEN

20 BY MS. SPENCE:

21 Q. Mr. Hodge, like I said to you off the record, if
22 this is too tough, we can stop right there.

23 A. No, I'll finish. This is it, though? Is this the
24 last ---?

25 MR. SHERER:

1 I'm going to ask you one question, a real
2 simple question.

3 A. Do you want to go ahead with that or do you
4 want --- ?

5 MR. SHERER:

6 Sure. Yeah. You don't mind, do you?

7 MS. SPENCE:

8 Yeah. I think --- let's just go on.

9 RE-EXAMINATION

10 BY MR. SHERER:

11 Q. One question. You mentioned that --- I think you
12 said the section boss, a bolter man and a scoop man
13 went back and built that stopping. Do you recall
14 exactly who that was?

15 A. The section boss was Brian Collins, Hammer. The
16 bolt man might have been Danny McAllister. And the
17 scoop man would be Jeremy Irvin. I'm pretty sure
18 they're the ones that did it. I mean, but I
19 wasn't --- like I said, I wasn't part of that, no.

20 MR. SHERER:

21 Thank you.

22 RE-EXAMINATION

23 BY MS. SPENCE:

24 Q. Let me just ask you one question and let's forget
25 the other. Is there anything that you can think of

1 that we ought to be looking at in trying to answer the
2 mystery of what happened?

3 A. I mean, I don't --- no, I don't see anything. I
4 mean, I've never seen anything bad. You know what I
5 mean? If you all find something, I'd like to know.

6 MS. SPENCE:

7 Thank you. That's all.

8 MR. FARLEY:

9 I'm done.

10 ATTORNEY HAMPTON:

11 Okay. On behalf of MSHA and the office
12 of Miners' Health, Safety and Training, we'd really
13 like to thank you for coming in and answering
14 questions today. Your cooperation is very important
15 to the investigation as we work to determine the cause
16 of the accident.

17 So as we mentioned earlier, we do request
18 that you not discuss your testimony with any person.
19 Also, after questioning other witnesses, we might have
20 some follow-up questions for you. So we'll let you
21 know if we have anything else we'd like to talk to you
22 about. In the meantime, as I had told you before, we
23 started asking you questions. If, after you leave
24 here today, you think of something else that you think
25 is important, you know, please feel free to contact

1 the teams and let us know if there's something else
2 you'd like to say.

3 So now, at this point, if you would like,
4 you can go back over any answer that you've given and
5 clarify anything or you can make any statement or say
6 anything else that you'd like to say. Is there
7 anything you'd like to say?

8 A. No, ma'am.

9 ATTORNEY HAMPTON:

10 Okay. Thank you again so much for coming
11 in. Off the record.

12 * * * * *

13 STATEMENT UNDER OATH CONCLUDED AT 11:10 A.M.

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CERTIFICATE

I, Alison Salyards, a Notary Public in and
for the State of West Virginia, do hereby certify:
That the witness whose testimony appears in
the foregoing deposition, was duly sworn by me on said
date and that the transcribed deposition of said
witness is a true record of the testimony given by
said witness;
That the proceeding is herein recorded fully
and accurately;
That I am neither attorney nor counsel for,
nor related to any of the parties to the action in
which these depositions were taken, and further that I
am not a relative of any attorney or counsel employed
by the parties hereto, or financially interested in
this action.



Alison Salyards