

STATEMENT UNDER OATH

OF

BRAD KAUFFMAN

Taken pursuant to Notice by Miranda
D. Elkins, a Court Reporter and
Notary Public in and for the State of
West Virginia, at the U.S. Bankruptcy
Court, 324 West Main Street,
Clarksburg, West Virginia, on Friday,
March 24, 2006, at 11:07 a.m.

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A P P E A R A N C E S

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21
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INTRODUCTION	6 - 14
WITNESS: BRAD KAUFFMAN	
QUESTIONS	
By Mr. O'Donnell	14 - 53
By Mr. Rutledge	54 - 57
By Mr. O'Donnell	57 - 59
CONCLUDING REMARKS	59 - 62
CERTIFICATE	63

EXHIBIT PAGE

PAGE

NUMBER DESCRIPTION IDENTIFIED

NONE OFFERED

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

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P R O C E E D I N G S

MR. O'DONNELL:

My name is Joe O'Donnell. I'm an accident investigator with the Mine Safety and Health Administration, an agency of the United States Department of Labor. With me is Bob Wilson from the Solicitor's Office, Mike Rutledge and Dave Stuart with the West Virginia Office of Miners' Health & Safety & Training.

I have been assigned to conduct an investigation into the accident that occurred at the Sago Mine on January the 2nd, 2006, in which 12 miners died and one was injured. The investigation is being conducted by MSHA and the West Virginia Office of Miners' Health, Safety & Training to

1 gather information to
2 determine the cause of the
3 accident. And these
4 interviews are an important
5 part of the investigation.

6 At this time, the
7 accident investigation team
8 intends to interview a number
9 of people to discuss anything
10 that may be relevant to the
11 cause of the accident. After
12 the investigation is
13 completed, MSHA will issue a
14 written report detailing the
15 nature and causes of the
16 accident. MSHA accident
17 reports are made available to
18 the public in the hope that
19 greater awareness about the
20 causes of accidents can reduce
21 their occurrence in the
22 future.

23 Information obtained
24 through witness interviews is
25 frequently included in these

1 reports. Your statement may
2 also be used in other
3 enforcement proceedings. I'd
4 like to thank you in advance
5 for your appearance here. We
6 appreciate your assistance in
7 this investigation. The
8 willingness of miners and mine
9 operators to work with us is
10 critical to our goal of making
11 the nation's mines safer. We
12 understand the difficulty for
13 you in discussing the events
14 that took place, and we
15 greatly appreciate your
16 efforts to help us understand
17 what happened.

18 This interview with Mr.
19 Brad Kauffman is being
20 conducted under Section 103(a)
21 of the Federal Mine Safety &
22 Health Act of 1977 as part of
23 an investigation by the Mine
24 Safety and Health
25 Administration and the West

1 Virginia Office of Miners'
2 Health, Safety & Training into
3 the conditions, events and
4 circumstances surrounding the
5 fatalities that occurred at
6 the Sago Mine owned by
7 International Coal Group in
8 Buckhannon, West Virginia on
9 January the 2nd, 2006.

10 This interview is being
11 conducted at the U.S.
12 Bankruptcy Courthouse in
13 Clarksburg, West Virginia on
14 March 24th, 2006. Questioning
15 will be conducted by
16 representatives of MSHA and
17 the Office of Miners' Health,
18 Safety & Training.

19 Mr. Kauffman, the
20 interview will begin by my
21 asking you a series of
22 questions. If you do not
23 understand a question, please
24 ask me to rephrase it. Feel
25 free at any time to clarify

1 any statements that you make
2 in response to the questions.
3 After we have finished asking
4 questions, you'll have an
5 opportunity to make a
6 statement and provide us with
7 any other information that you
8 believe may be important.

9 If at any time after
10 the interview you recall any
11 additional information that
12 you believe may be helpful in
13 the investigation, please
14 contact Richard Gates at the
15 phone number or e-mail address
16 provided to you.

17 Your statement is
18 completely voluntary. You may
19 refuse to answer any question
20 and you may end the interview
21 at any time. If you need a
22 break for any reason, please
23 let me know.

24 A court reporter will
25 record your interview and will

1 later produce a written
2 transcript of the interview.
3 Please try and respond to all
4 the questions verbally, since
5 the court reporter cannot
6 record nonverbal responses.
7 And try to keep your voice up.
8 Copies of the written
9 transcripts will be available
10 at a later time.

11 If any part of your
12 statement is based not on your
13 own firsthand knowledge, but
14 on information that you
15 learned from someone else,
16 please let us know. Please
17 answer each question as fully
18 as you can, including any
19 information that you've
20 learned from someone else. We
21 may not ask the right question
22 to learn the information that
23 you have, so don't feel
24 limited by the precise
25 question asked. If you have

1 information about the subject
2 area of a question, please
3 provide us with that
4 information.

5 Mr. Rutledge, do you
6 have anything you would like
7 to add on behalf of the Office
8 of Miners' Health, Safety &
9 Training?

10 MR. RUTLEDGE:

11 Yeah. Mr. Kauffman,
12 the West Virginia Office of
13 Miners' Health, Safety &
14 Training is conducting this
15 interview session jointly with
16 MSHA, and we're in agreement
17 with the procedures outlined
18 by Mr. O'Donnell for the
19 interviews that will be
20 conducted today. However, the
21 Director of the Office of
22 Miners' Health, Safety &
23 Training reserves the right,
24 if necessary, to call or
25 subpoena witnesses, okay, or

1 to require production of any
2 record, document, photograph
3 or other relevant materials
4 necessary to conduct this
5 investigation. Again, we
6 appreciate you being here.

7 If you have any
8 questions from --- for anybody
9 from the State of West
10 Virginia, that's Mr. Brain
11 Mills, the inspector at large,
12 that you'd need to contact.
13 Thanks.

14 MR. KAUFFMAN:

15 Okay. Thank you.

16 MR. O'DONNELL:

17 Mr. Kauffman, are you
18 aware that you may have a
19 personal representative
20 present during the taking of
21 the statement?

22 MR. KAUFFMAN:

23 Yes.

24 MR. O'DONNELL:

25 And do you have a

1 representative with you here
2 today?

3 MR. KAUFFMAN:

4 I do.

5 MR. O'DONNELL:

6 And could you identify
7 him?

8 MR. KAUFFMAN:

9 Marco, sitting here
10 beside me.

11 ATTORNEY RAJKOVICH:

12 Rajkovich. And just
13 for the record, I assume
14 everyone in the room is still
15 on the investigation team?

16 MR. O'DONNELL:

17 That's correct. Please
18 state your full name and spell
19 your last ---.

20 -----

21 BRAD KAUFFMAN, HAVING FIRST BEEN DULY
22 SWORN, TESTIFIED AS FOLLOWS:

23 -----

24 BY MR. O'DONNELL:

25 Q. Please state your full name

1 and spell your last name.

2 A. Bradley J. Kauffman,
3 K-A-U-F-F-M-A-N.

4 Q. And your address and telephone
5 number, please?

6 A. 1104 Bolin Court, Springfield,
7 Illinois, 62703. And phone number is
8 (217) 529-7359.

9 Q. And are you appearing here
10 today voluntarily?

11 A. Yes, sir.

12 Q. Okay. What mining company do
13 you work for?

14 A. ICG Viper Mine in
15 Williamsville, Illinois.

16 Q. Okay. And what do you do at
17 that mine?

18 A. Shift mine manager.

19 Q. And what's your position on
20 the team?

21 A. I was serving as a map man
22 during this operation here.

23 Q. Okay. So how were you
24 notified of the explosion at Sago?

25 A. I was the on-shift mine

1 manager January 2nd. And the general
2 manager of the mine received a call
3 about 8:30 Illinois time, and by 11
4 o'clock he had chartered a plane, and
5 our equipment was in the air with us
6 at 11 o'clock.

7 Q. Okay. What I'm going to do
8 now is, I'm just going to let you
9 tell us the story, tell us about when
10 --- where you just left off, when you
11 were notified, got in the air with
12 your equipment and as the events
13 unfolded with the involvement of the
14 Viper team.

15 A. Once we contacted everybody on
16 the team, I think we had --- we only
17 had one person underground that was
18 part of the team. Everybody else was
19 either off shift or on vacation. We
20 had arrangements to get them gathered
21 up and headed to the airport. The
22 guys that could come in did, and we
23 rounded up equipment, chartered two
24 planes. Met the first plane, and
25 then got in the air about 11 o'clock

1 central standard time. The second
2 plane brought our equipment. We flew
3 into Charleston.

4 We had a State Police escort
5 once we got to Charleston. We were
6 there by, I think an hour and 40
7 minute flight, so 1:40 West Virginia
8 time. And we were at the mine by
9 3:30, at Sago. We had a high speed
10 escort from the State Police, as fast
11 as we could go. So we got there
12 safely. Our gear followed us about
13 an hour and a half later. It came in
14 a box truck from Charleston, so it
15 took it longer. At that point, we
16 were part of the congregation in the
17 parking lot, which was, as you know,
18 very crowded, kind of a rainy day,
19 and we --- we pretty much set up on
20 the edge of the parking lot, waited
21 for our gear.

22 Pretty informal. We got ahold
23 of Tim Martin, told him we were
24 onsite and available, and told us to
25 stand by, he'd get back with us as

1 soon as he had further information.
2 So once our gear arrived, probably in
3 the five o'clock ballpark, right
4 there, our oxygen bottles were empty.
5 We had to empty them to get them on
6 the plane. We set out to find Haskel
7 pump medical grade oxygen, an adapter
8 and air compressor, the things we
9 needed to get bottles filled. And I
10 think we had all our bottles filled
11 shortly after dark, maybe 6:30 or
12 ballpark, in that area.

13 Briefings were pretty sparse.
14 Everything we learned at that point
15 was pretty secondhand, so we spent a
16 lot of time just standing by in a
17 tent pretty close to the main gate
18 coming in. We did get --- I mean, we
19 just picked up from talking to folks
20 that we were monitoring the return
21 for gas, that gas had been climbing,
22 but we didn't really have much of a
23 formal briefing until pretty late in
24 the evening. Tim came out and told
25 us that there would be a regular

1 rotation established, and our shot
2 would be midnight the following
3 night. So we had about 24 hours to
4 go back to the hotel and rest up. He
5 made sure we had all the phone
6 numbers and room numbers, and we
7 headed back to the hotel at that
8 point. We really didn't have much of
9 a formal briefing. We knew there was
10 no contact, we knew the CO content
11 coming out of the return, and we had
12 heard the things, like the building
13 had been evacuated for the CO
14 content.

15 Other than that, most of the
16 information that we gathered was from
17 other teams, or what appeared to be
18 official looking folks in the parking
19 lot. The parking lot was such a
20 bustle of activity, and everybody
21 seemed official and like they were on
22 a mission, but we didn't really have
23 any formal contact or formal
24 briefing. That's pretty much it
25 until we were contacted the next day.

1 Our rotation was scheduled for
2 midnight the following night. Tim
3 called somewhere early afternoon,
4 5:00, 5:30 in the afternoon, and
5 said, we need you at the mine as soon
6 as you can get here. We gathered the
7 guys up and headed back to the mine.
8 Tim told us at the time that they had
9 found a victim and that our primary
10 role at that point would be recovery,
11 that they had --- tradition had
12 always kind of held that home team
13 took care of recovering victims, and
14 that that would be our primary
15 function at that point.

16 We had a very low-key and
17 quiet briefing, explaining how we
18 should handle the body, and we passed
19 out rubber gloves to everybody, and a
20 body bag and a kit bag to go with it.
21 And at that point, our goal was to go
22 in and take care of the first victim
23 they found on the track line. We
24 proceeded into the mine, I'm guessing
25 8:00 or 8:30. I don't have it

1 written down. When we got --- I
2 think we parked at crosscut 41 or so,
3 where the track lines had been --- at
4 the end of the track line that you
5 can travel. There's an isolation
6 line established across there. So we
7 walked past the first mantrip over
8 the debris of the overcast that was
9 down, and as soon as we could see
10 farther on up the track, somebody up
11 the track was yelling for us to come
12 up here now, your plans have changed,
13 get up here now. Stop what you're
14 doing. So we had a Stokes basket
15 with us and a moderate amount of
16 supplies. We carried that with us, I
17 can't tell you who it was at the end
18 of the track, but he was very
19 excited. We need help now.

20 When we got there --- when we
21 got within hollering range, he said
22 they found them, they're coming out.
23 We need help carrying an injured man.
24 And of course, when they said we
25 found them, it was the high-five

1 attitude amongst our group. Pretty
2 excited that they found them. We got
3 up to the turn in the track, which I
4 think is cross --- break 58. The
5 switch in the track is right where
6 this fellow was standing. There was
7 several other people around. It
8 became obvious to us that the fresh
9 air base was a block or two behind us
10 to the right in the intake. That's
11 where the fresh air base actually
12 was, but they did have a twisted wire
13 communication up to the switch.

14 Within minutes of the time we
15 got to the switch, we could see
16 people coming out the track line, see
17 the lights coming. And they had a
18 man on a stretcher, and they were
19 physically spent. A couple of them
20 collapsed as they got to us from
21 exhaustion. Several of our team
22 members, five of whom are EMTs,
23 started helping with the fellow they
24 were bringing out. And I believe
25 they put an apparatus that was a West

1 Virginia inspector's apparatus on
2 him. At the time, I thought it was
3 one of our apparatus that they put on
4 him, but I think it was Jeff's, and
5 I'm not sure, a hundred percent. But
6 they got an apparatus on him.

7 One of our guys is a much more
8 experienced EMT than the other four
9 of us that are EMTs, just from local
10 fire department work, and he helped
11 do an assessment as they were getting
12 oxygen on him, and then two of our
13 guys helped carry that next 14 or so
14 blocks, 16 or so blocks back to the
15 trip. It was pretty much pandemonium
16 at that point. The fellow that had
17 hollered at us, which I took to be an
18 MSHA inspector, told me to get on the
19 head phone and tell them what was
20 going on, tell them that they're
21 coming out alive and directed Pete to
22 the fresh air base to get on the
23 telephone at the fresh air base.

24 I never was able to raise
25 anybody on the headset, between the

1 noise at the switch there in the
2 track --- I never did make contact
3 with anybody that I know of. I mean,
4 I hollered several times, but I never
5 did get through. At that point, a
6 couple of the fellows that had been
7 on the team carrying the man out, I
8 asked him where everybody else was,
9 and it was, where's who. And that is
10 --- that's the point, that reality
11 set in, and we realized there were no
12 --- there were no other survivors.

13 So it was kind of a time of
14 shock there for a few minutes as
15 reality set in. Two of our team
16 members were already gone. There was
17 a whole lot of people not knowing
18 what to do or where to proceed at
19 that point. And within, I know it
20 seemed like hours, but 20 minutes or
21 a half hour, we got a call on the
22 phone from outside to evacuate the
23 mine. So we did --- we left the
24 stokes basket --- I don't think we
25 did leave the Stokes basket. I think

1 we secured the Stokes basket and left
2 the kit bag near the victim laying on
3 the track line and went back to the
4 mantrip and retreated from the mine.
5 Everybody left the mine at that
6 point.

7 As we got outside, of course,
8 all of the ambulances were there, and
9 that throng of people down in the
10 pit, it seemed like hundreds. I
11 think it probably was hundreds of
12 people down in the pit. We grabbed
13 our gear as quick as we could, went
14 to the top of the hill, got somebody
15 that was in charge, because at that
16 point, there was a little bit of
17 confusion over whether or not there
18 actually may have been more
19 survivors. Although, the fellows
20 that came out said they didn't think
21 there were, there was some ---
22 obviously some confusion.

23 And we were rebriefed at the
24 top of the hill. I think Ty Coleman
25 was there. There were several people

1 there. The fellow from MSHA that had
2 been writing down everybody's names
3 as you went past the trailer was
4 there, and we got a map, they brought
5 out 11 self-rescuers. I say they,
6 the folks at the top of the hill
7 brought us 11 new self-rescuers, and
8 Tim Martin told us to get back in
9 there as fast as you can, and if
10 there are any signs of life on
11 anybody, get a self-rescuer on them
12 and get them out of the mine now.

13 So we went with a state and
14 federal inspector and went back in as
15 quickly as we could. Went back to
16 crosscut --- well, we parked again
17 where you had to at the end of the
18 track and walked back in this time
19 with a Stokes basket with 11
20 self-rescuers, two kit bags with
21 supplies and a first-aid bag, and got
22 to the end of the track line and
23 proceeded into the mine. We got
24 about two blocks past the switch when
25 all of our spotters went off. We got

1 up to --- in the 200 parts per
2 million range of CO. So we got under
3 apparatus at that point. The state
4 and federal inspector had kept on
5 going. They were several blocks
6 ahead of us at that point. I don't
7 know at what point they went ahead
8 and put their apparatus on, but it
9 wasn't with us. They were several
10 blocks ahead.

11 By the time we got apparatus
12 on and got back moving again, we had
13 lost sight of those fellows. We came
14 to the --- the track made that jog to
15 the left, and about four blocks in,
16 it jogged over 40 or 50 feet. So you
17 didn't really have line of sight
18 anymore, so they got away from us
19 pretty quick once they got around the
20 corner. As we got around the corner,
21 and it must have been Seven or Eight
22 block where it was flooded for a
23 couple hundred feet. We were unsure
24 how deep the water was. We couldn't
25 see the two fellows that were ahead

1 of us and couldn't get them on the
2 radio, so we jogged over to the belt
3 line, and the water didn't look as
4 bad at the belt line, so we went to
5 the belt line, and there were bridge
6 boards along there. I know I fell in
7 there, which slowed up the team. We
8 got pretty tangled up in that deep
9 water in there. Nobody really got
10 hurt. I mean, skinned up knees and
11 stuff.

12 We got back on the track, I
13 think one block after we got to the
14 belt line. We went around what
15 looked like the deepest part and got
16 back on the track. When we got to
17 the mantrip, which I think was at
18 crosscut Ten or right in that area,
19 the map was incredibly difficult to
20 read. It was a terrible scale, like
21 1 to 300. And our masks fogged up so
22 bad, like you would expect being in a
23 January mine environment. It was
24 very difficult to tell on the map at
25 that scale where we were exactly.

1 But when we got to the mantrip, our
2 two inspectors were there. We did
3 gas readings, had 235 parts of CO.
4 We had a tough time getting ahold of
5 the fresh air base. We had no
6 methane, and we --- that group of
7 nine of us, our 17 members then and
8 the two inspectors agreed that it was
9 in our best interest to energize that
10 mantrip and see how far we could move
11 it in on the track.

12 So we did. We energized both
13 battery leads, moved it in the track
14 as far as we could get, right up to
15 the back of the supply car, the rail
16 supply cars, which was a few blocks.
17 We got a few blocks with it. The
18 intent being, if we did find more
19 survivors, we could get them back on
20 that ride to get them out quicker.
21 At that point, we had lost
22 communication with the fresh air
23 base. One of our guys volunteered to
24 walk backwards to try to re-establish
25 communication. We had three radios

1 with us. It was pretty obvious at
2 that point, three radios was not
3 going to be enough to cover the gap.
4 It was going to take at least four,
5 the fourth radio being at the fresh
6 air base. So our inspectors had one,
7 I had one, we left one with the
8 fellow that stayed behind the trip,
9 he had to walk back out. He walked
10 out all the way to the waterhole
11 before he could get any kind of
12 communication with them, and by the
13 time he got to the fresh air ---
14 could communicate with the fresh air
15 base, he couldn't talk to us.

16 We pretty collectively told
17 him to come with us. So at that
18 point, our primary objective was to
19 get to that barricade to see if we
20 could find anybody else and get them
21 out. We all felt like the area had
22 been explored, there was no methane
23 hazard that anybody had talked about
24 or that we knew of. No fire, so we
25 felt it was safer to stay together as

1 a team.

2 We headed in --- once we got
3 to the end of the track and come
4 around the --- got out past the end
5 of the track, we hit a couple places
6 that it was pretty deep water. To be
7 honest, carrying that Stokes basket
8 full with a couple hundred pounds of
9 material in it was pretty tough. We
10 let a couple fellows go ahead and
11 find exactly where the barricade was.
12 I think Pete was one of those, as the
13 captain that went ahead. We were
14 real close, and within just a few
15 minutes we got up into the barricade
16 area.

17 We had five stethoscopes with
18 us for the five EMTs. We followed
19 the one fellow with the more
20 experience's lead. He went
21 immediately to the folks that looked
22 like they were more sitting or
23 resting than those that were more
24 sprawled out on the ground. We all
25 picked several people and looked and

1 listened for signs of life, and there
2 were none that we could find at all.
3 Some were, obviously, beyond any sign
4 of life, but there were a couple that
5 were not necessarily as rigid or
6 seemed to be in a position of maybe
7 arms drawn up, or things where they
8 were obviously gone.

9 Once we got to that point, it
10 was pretty obvious that we were at
11 recovery. We followed the lead of
12 the federal inspector with us, and he
13 was doing a lot of sketch work as we
14 found ID on a person, which was
15 pretty painstaking, it took a lot of
16 time. These were big men, and
17 they're --- like all of us, our tags
18 on the belts on the right place. So
19 it took quite awhile to get
20 information on who was where. He
21 sprayed a green paint outline around
22 everybody and began --- he was in the
23 process of recording who was where
24 and position and anything else that
25 we could note behind that barricade

1 area.

2 At that point, the next team
3 arrived. They had been working
4 toward clearing debris off the tracks
5 so that if, indeed, we did find
6 someone, we could put them on that
7 trip and get all the way out. And
8 again, that was under --- that was
9 everybody's consensus. As we got
10 into the fresh air base we knew that
11 our backup team was going to be
12 working to clear the track line. As
13 they got up there, they said they had
14 --- and they had left two people with
15 that scoop that was stuck in the mud
16 by the isolation line right at the
17 end of the track, to try to free up
18 that scoop to see if they could bring
19 it forward and need some help.

20 We went through a --- kind of
21 a work in progress as to how we were
22 going to do the body bags, how to be
23 as courteous and caring with all the
24 bodies as we could. A great deal of
25 respect was shown by everybody in the

1 handling of these folks. We tried as
2 best we could to get folks in the
3 bags, because again, it was a pretty
4 gruesome job. The guys did wonderful
5 working together on it. And I think
6 there was 13 of us up there behind
7 the barricade at that point. So once
8 we had everybody in bags, there was
9 still some confusion as to whether or
10 not we were going to be able to get
11 that scoop up there and do us any
12 good.

13 We were running low on oxygen.
14 We still had the over 200 parts CO.
15 We had shut our spotters off a long
16 time ago, because you couldn't even
17 communicate with all the beeps going
18 off on the M40s and Solaris, they're
19 so loud, so we had just turned them
20 back on periodically and everything
21 was staying pretty constant at over
22 200 parts of CO. It became obvious
23 to us at the time that the men we're
24 going to leave behind that barricade,
25 we were going to have to carry them.

1 So we loaded two men up, one on a
2 stretch and one in the stokes basket.
3 Our group took the farthest outby man
4 in the Stokes basket, and we
5 proceeded to head out to the mantrip.

6 The second group had one of
7 the radios, and they were not as
8 successful. There was only five of
9 them, there was seven of us.
10 Actually, there was six of us. We
11 had Pete blaze us a trail and pick
12 the easiest way out. Hopefully not
13 the way we came in, because of the
14 mud and water. So as we got a trail
15 and we started out, we got almost to
16 the end of the track, within a block,
17 and the other team couldn't make it.
18 They needed help. We sent two men
19 back to help them with the body. And
20 they must have gotten mired down in
21 the mud. It was pretty tough on
22 them.

23 At that point, we could hear
24 on the radio, somebody yelling on the
25 radio, obviously annoyed, calling for

1 the Viper team. And it was an
2 inspector with our backup team coming
3 in. He was pretty excited that we
4 had broke communication, to the point
5 that he was yelling on the radio,
6 made it very difficult to understand.
7 And tensions were high. I understand
8 that he was pretty excited. We felt
9 like we had been doing the right
10 thing, and he was pretty annoyed with
11 the fact that we broke communication.
12 Pretty loud on the radio, which,
13 again, made it hard to understand.

14 As he got up there, and it's
15 very hard to identify anybody with
16 the masks on. I don't know if I
17 could tell you who he was if he
18 walked in. And again, I'm not
19 faulting him, he was just like
20 everybody was, pretty excited at that
21 time. How he wanted us to stop where
22 we were with the body, put him down
23 and not proceed any farther. And if
24 on the map you can find where the
25 tool chest was, and I think it was in

1 entry Six, I think there was a work
2 toolbox, that's where we set him
3 down. We didn't set him down in the
4 mud. We got him on top of that
5 toolbox. It was a big toolbox. Set
6 him down there. He wanted our radio,
7 we gave it up. It kind of put us in
8 limbo, because we had two of our men
9 with that other team, and we were
10 running pretty low on oxygen. We
11 were down to 1,400 pounds and knew we
12 had 26 or so blocks to get back to
13 fresh air. It took about 15 minutes
14 or so. We ended up sending two more
15 people to find our other two guys and
16 get back together.

17 We did. And we got back
18 together. We made sure that the team
19 behind us knew exactly where we had
20 left the first victim, because we
21 didn't want him to get lost in the
22 communication. At that point, we
23 walked out the travelway adjacent to
24 the track and helped clear solid
25 blocks that had blown out from the

1 stoppings out of that travelway, a
2 lot of them. Almost every
3 intersection was full of concrete
4 blocks. And we tossed those blocks
5 out of the way, all the way out to
6 make room for the scoop, to help keep
7 the scoop from getting stuck on the
8 way out. And that was under the
9 direction of the inspectors with us.

10 So the seven of us walked all
11 the way out to where --- and again,
12 at this point, I had lost all control
13 of where I was on the map. I knew
14 that we were generally in the face,
15 26 blocks up the track, but I didn't
16 have any good, clear count of what
17 intersections we moved blocks from.
18 Several of us were down to the point
19 we were going to start alarming on
20 oxygen, any minute. So we cleared
21 stoppings all the way back to ---
22 directly on the end of the Number
23 Three, Four track line, probably
24 where that charger had sat, the
25 mantrip charger, and we came back

1 through the stopping that was blown
2 out behind that charger and came out
3 the end of the track. Either at the
4 end of the track or one block inby.
5 Once we got out there, we had two
6 extra oxygen bottles, two of our guys
7 offered to help put together another
8 backup team so folks could keep going
9 in. And we had two people that had
10 1,400 pounds left in their tanks, and
11 they also offered to be backup.

12 You needed to have 1,400 as
13 the conversation --- I wasn't aware
14 of it, but the conversation we had at
15 that immediate time was as long as
16 you had 1,400 pounds, you could act
17 as a backup. I think five out of our
18 seven were down to 1,000. So we had
19 two guys that had 1,400, they offered
20 to be backup, and then two more guys
21 changed out their bottles to go in
22 with the teams going back in. They
23 ended up not being needed, but they
24 did switch out those oxygen bottles.
25 And we waited as backup team for

1 several hours, just to make sure if
2 they had more problem or any problem
3 that they had help there. And we
4 stayed until --- the sun was coming
5 up when we came out of the mine. We
6 tried to stay and help escort the
7 fellows out of the mines, but we
8 ended up --- we couldn't stay that
9 long. We were shot.

10 So we came out right at dawn,
11 and we --- I mean, that's the
12 ballpark stuff around our first day
13 there, so ---.

14 Q. Okay. Let me just back up a
15 little bit. That would have been the
16 second day; right?

17 A. Our first trip in.

18 Q. Yeah. Okay.

19 A. Our first trip in.

20 Q. All right. So the first day
21 you got notified at the mine, would
22 you say you didn't get any kind of
23 briefing, any formal briefing the
24 first day you were there?

25 A. We got a couple of real

1 informal ones from Tim Martin. Very
2 brief, scant information. No word
3 from inside, nobody was being allowed
4 to proceed, that there was gas
5 testing being done at the mine mouth,
6 and then that was pretty much it. We
7 heard just through the grapevine that
8 teams had started going in a little
9 bit after dark.

10 Q. Was your team involved in any
11 --- at any time with the monitoring
12 in the return at the ---?

13 A. No. No, we were not.

14 Q. So you guys really didn't do
15 --- you just reported, got your
16 equipment, ready to go, and then back
17 to the hotel, and then you were told
18 not to go back until 12 o'clock the
19 next shift?

20 A. Our first shot in the rotation
21 was going to be midnight, Wednesday.

22 Q. Okay.

23 A. 12:00 a.m. Wednesday.

24 Q. So then you got --- you went
25 back, did all that, got called back

1 to the mine a few hours early?

2 A. Yeah, five or six, seven hours
3 early, something like that.

4 Q. Okay.

5 A. And Tim said that at the time
6 is because they had found --- I mean,
7 this was just on the phone, said they
8 found footprints, they found some
9 covers for SCSRs, they had teams
10 actively looking, but they had found
11 a victim, and they wanted us to come
12 be that recovery team.

13 Q. Okay. So at that time, it was
14 only one person had been found, and
15 all the rest were still unaccounted
16 for?

17 A. Correct.

18 Q. There was no ---.

19 A. No one had been accounted for
20 when we went underground.

21 Q. Okay. So you were still in
22 rescue mode?

23 A. Yes, sir.

24 Q. What type of apparatus do you
25 have?

1 A. Biopacks, Biomarine.

2 Q. Okay. And what kind of --- do
3 you have any wireless communication?

4 A. No. We had the radios that
5 all the teams had been using with
6 backup batteries.

7 Q. Okay. So you went in to do
8 the first recovery, and you were
9 called by someone at the fresh air
10 base?

11 A. At the end of the track, yes.

12 Q. And what did they tell you?
13 They said change of plans?

14 A. Your plans have changed. I
15 mean, he was literally hollering,
16 flagging with his light, circling his
17 light to get up here now, your plans
18 have changed, stop what you're doing,
19 come here now, we've found them.

20 Q. So you got up there and he
21 told you they found them. And what
22 did he tell you about the condition?

23 A. He said found them, they're
24 walking out. They're walking out,
25 they've got an injured man. We need

1 help with an injured man.

2 Q. So everybody got excited
3 because ---?

4 A. We found them. That's
5 why ---.

6 Q. And you were still in rescue
7 mode? I mean, you were ---

8 A. Right.

9 Q. --- going to get these guys
10 out?

11 A. Right. At that point,
12 obviously, our plans changed.

13 Q. So you went to the fresh air
14 base, and you said something about a
15 communication, somebody got on the
16 headset?

17 A. I got on the headset. He
18 directed me to get on the headset so
19 I could tell the fresh air base what
20 was going on. But I never did raise
21 anybody on the headset. The fresh
22 air base was one or two blocks behind
23 us and one block to the right in the
24 intake.

25 Q. Okay.

1 A. Pete went back, back two
2 blocks and through the stopping,
3 where the stopping had been to the
4 fresh air base.

5 Q. Okay. And there was someone
6 there?

7 A. There were people there, yes.

8 Q. Oh, there were other people?
9 Do you know how many?

10 A. I don't. I'm assuming we
11 walked into the heart of the backup
12 team and the inspectors that were
13 escorting that backup team.

14 Q. Okay.

15 A. It was my assumption that
16 that's who we were dealing with.

17 Q. So when you got there and they
18 said, okay, we got to get in there,
19 and we're going to recover these
20 guys, rescue these guys, did they
21 give you any kind of instructions
22 about how you were going to string
23 out your communications and who was
24 going to post where? Did they give
25 you their radios and say here's how

1 we're setting this up?

2 A. Well, at that point, the fresh
3 air base was total pandemonium of ---
4 it was a loss of control of the fresh
5 air base, first from the excitement,
6 then the panic of bringing this man
7 out on the stretcher, and he was
8 obviously in terrible distress. He
9 was not making breathing noises, he
10 was making gurgling noises. So it
11 was pretty tough. We really had
12 doubts at the time that he'd make it
13 out of the mine. And so all --- a
14 hundred percent of all focus was
15 directed to him, and as soon as they
16 could get him moving again, they did,
17 and got him on his way out of the
18 mine.

19 And like I say, that's when it
20 was --- it seemed like everything
21 stopped. There was no direction of
22 what we were doing. And it was just
23 through conversation with these men
24 coming out, when we said, where are
25 the rest of them? And it was, where

1 are who that we realized these men
2 coming out knew the truth. So then
3 --- I don't know where the
4 communication glitch was, but
5 somewhere in that radio to radio, ---

6 Q. Yeah.

7 A. --- we found him, we're
8 bringing him out, sounded like we
9 found them, and we're carrying them
10 out. So ---.

11 Q. So how long did you stay there
12 before you were all taken out of the
13 mine? Was it shortly after that?

14 A. It seemed like longer than it
15 probably was. I would guess 20
16 minutes before we got the call, maybe
17 30.

18 Q. So everybody goes out of the
19 mine, and then outside there ---
20 well, tell me about the briefing that
21 you got there.

22 A. The briefing we got was,
23 again, pretty informal. I was given
24 a copy of the big map, then it was
25 probably a three-foot long version of

1 the whole mine, so it was maybe a 300
2 to 1 scale. And they talked exactly
3 about where the men were found. I
4 mean, there was confusion about who
5 they were even talking to when we
6 were at the top of the hill. Of
7 course, people were scrambling,
8 trying to get us self-rescuers.

9 And then it was a very
10 clear-cut goal. Our goal was to get
11 to that barricade as fast as
12 possible, look for signs of life, and
13 if anybody has any signs of life at
14 all, get them out of the mine. And
15 that was it. The entire briefing
16 lasted minutes.

17 Q. Okay. So you were still in a
18 rescue mode?

19 A. Yes.

20 Q. As far as you thought, there
21 may have been ---.

22 A. Absolutely.

23 Q. So how many of you re-entered
24 the mine?

25 A. Nine on our trip. We went to

1 the seven members of our team and a
2 state and federal inspector.

3 Q. Okay. Do you know who those
4 --- do you know their names?

5 A. No. I think if you told me
6 who they probably were, I could give
7 you a ---.

8 Q. Okay. So all nine of you go
9 to the fresh air base, and you were,
10 obviously, the only people in the
11 mine at that time?

12 A. Right. We had another trip
13 --- we could see the lights coming
14 behind us, so they were close.

15 Q. So there was another group of
16 people behind you?

17 A. Right. And their goal was to
18 start clearing debris off the track.

19 Q. So how did you set up from
20 there? You said that you were
21 dropping people then?

22 A. Yeah, there wasn't much setup.
23 We got to the track switch, and all
24 of us proceeded. Again, we felt like
25 at the time that our escorts --- when

1 I say escorts, that's how we viewed
2 our federal and state inspectors. We
3 treated them as kind of the judge, or
4 as you will, this is the referee
5 that's going with us. We stopped
6 long enough to make sure we had our
7 bearings at the track switch, and we
8 were in. There was no --- no
9 dilly-dallying around. We got right
10 with it. And I'm not sure if it was
11 the first block that we got to where
12 the spotters went off or the second,
13 but it was either the first or
14 second.

15 Q. And what kind of detectors did
16 you have with you?

17 A. We had M40s and Solaris, and
18 an iTX. All spotters went off.

19 Q. And you said earlier that the
20 --- what were the parts per million?

21 A. It was over 200 parts per
22 million in the first --- when the
23 spotters first went off. We walked
24 right into 200 parts per million. So
25 we immediately put apparatus on.

1 Q. But did any of your team, did
2 you drop anybody off at the fresh air
3 base, or did somebody already have
4 that position, manning?

5 A. We had people walking right up
6 behind us at the fresh air base.

7 Q. So they were manning?

8 A. Yeah.

9 Q. And you had the other wireless
10 radios with you?

11 A. We had three radios with us.

12 Q. Because I know you said that
13 earlier that as you did go, you
14 dropped.

15 A. We --- well, we got --- we
16 could still maintain some contact
17 until we got around that end in the
18 travelway, which is probably five
19 breaks or six breaks in. But once we
20 got to that point, we had a lot of
21 trouble. You could hear them one
22 minute, and the next minute you
23 couldn't. And as soon as we got off
24 the track and got along the belt
25 line, we lost them. We couldn't talk

1 anymore. So when we got back on the
2 track line, we could hear them again,
3 and that's when one of our guys
4 volunteered to stay with them. We
5 got the mantrip going, moved it
6 forward, he came with us and then he
7 walked back.

8 Q. So you didn't just disregard
9 the communication, you tried to
10 maintain it, and you did maintain it
11 for a good period?

12 A. For a good distance.

13 Q. Yeah.

14 A. But once we got around the
15 bend in the track, line of sight is
16 what corrupted our radios.

17 Q. Right.

18 A. We just didn't have it with
19 that bend in the track. So yeah, we
20 did try to maintain it, but when it
21 became obvious that there was not
22 going to be enough radios to get from
23 the barricade to the fresh air base,
24 that's when our farthest person outby
25 came in with us.

1 Q. But you were --- still your
2 mindset was that you were in rescue
3 mode?

4 A. Yes, sir.

5 Q. You were not in recovery mode,
6 that you, in fact, thought that there
7 may had been some hope; right?

8 A. That was our understanding,
9 that there were no EMTs on the team
10 that actually breached the barricade,
11 and there may have been some doubt in
12 their mind.

13 Q. Okay.

14 A. I didn't hear that from them
15 personally, but that was the flavor
16 of when we got to the surface, that
17 there may have been some doubt in
18 their mind as to whether some of
19 those men may have had some sign of
20 life.

21 Q. Okay.

22 MR. O'DONNELL:

23 Mike, do you have any
24 follow-up questions?

25 MR. RUTLEDGE:

1 I think you've covered
2 most of everything I had.

3 BY MR. RUTLEDGE:

4 Q. When the survivor was taken
5 outside, a couple of your guys helped
6 carry him up?

7 A. Yes.

8 Q. Okay. You had come by this
9 Two Left track switch and then get
10 him down to the mantrip there. I
11 think Mr. O'Donnell just asked you,
12 how long was it after that happened
13 that you got the order to come
14 outside?

15 A. I'm guessing in the 20 or
16 30-minute range. I couldn't tell you
17 exactly.

18 Q. And again, you can't --- you
19 mentioned several times a state and
20 federal man, but you have no
21 idea, ---

22 A. I'm not sure ---.

23 Q. --- you couldn't guess who
24 those were?

25 A. The two fellows that went in

1 with us, I think they were just as
2 urgently trying to get where we were
3 going as everybody else. I don't
4 think they intentionally left us
5 behind, but it left --- it left some
6 real doubt as to where they were once
7 we got apparatus on and they got
8 around the corner. And then again,
9 when we hit the water, and they ---
10 we couldn't see them anywhere, so we
11 didn't know if they got off the track
12 line. It just left some doubt. They
13 did have a radio with them, but they
14 were far enough ahead a couple times
15 that we couldn't hear them, so ---.
16 Again, once we got back up and moved
17 the trip inby, they were with us the
18 rest of the time. But it took awhile
19 to get to that point.

20 Q. Okay. Had anybody, at any
21 time, discussed a code system with
22 you all as to use as far as ---?

23 A. Yeah. Tim Martin and Ty
24 Coleman did when we had our briefing,
25 to go in and do the recovery of the

1 first victim, that we wanted to make
2 sure that we didn't talk about in the
3 parking lot any victims or bodies, or
4 casualty or any word like that in the
5 parking lot, because they felt at the
6 time that the media was listening to
7 the parking lot and listening to all
8 wireless and wired communication.
9 They didn't know how, but wanted us
10 to use the phrase item for any
11 victims we had found in the mine, and
12 literally gave us a list with the
13 men's names, and this would be item
14 number 1 through 12.

15 Q. Okay. Gave you a physical
16 paper list?

17 A. And I don't know which one of
18 our guys or if it was one of the
19 inspectors that had it, but it was in
20 the possession of the team. We had
21 that with us. We knew that if we
22 found people, we could look on the
23 list, and we could call out that we
24 found item seven, instead of using
25 victim or casualty.

1 Q. And you have no idea what
2 might have happened to that piece of
3 paper or that list?

4 A. I don't know. And I don't
5 know who was in possession of it.
6 But I know that when we went into the
7 mine, we did have a list, a numbered
8 list, and the intent was to use the
9 phrase item.

10 Q. And you don't happen to know
11 what Randal McCloy's number was on
12 that list, would you?

13 A. No, I don't.

14 MR. RUTLEDGE:

15 Okay. Thanks.

16 BY MR. O'DONNELL:

17 Q. Just to review, you said that
18 your team carried a lot of supplies
19 up to the barricade also. You SCSRs.

20 How many SCSRs did you carry?

21 A. Eleven (11).

22 Q. And did you carry them in
23 your ---?

24 A. In the Stokes basket.

25 Q. In the Stokes basket. And

1 each of those weighed several pounds;
2 is that right?

3 A. Uh-huh (yes).

4 Q. So what else did you carry
5 besides the ---?

6 A. We carried a first-responder
7 EMT kit, I can't tell you the brand
8 name, but it's a pretty good sized
9 basic EMT pack, first-aid supplies.
10 And --- like a jump kit, an EMT's
11 jump kit, and then two canvas bags,
12 and they were --- had spray paint,
13 body bags, notepads. It was mainly
14 items for the federal inspector to
15 help document and do the drawings
16 when we got up to that point. But we
17 just tossed them in the basket. It
18 was a lot easier for us to have all
19 that stuff in one basket.

20 Q. So you returned to the surface
21 that morning?

22 A. Yes.

23 Q. And was that the last time you
24 were at the Sago Mine?

25 A. No. We went back several days

1 later and were the teams in the
2 recovery operation.

3 Q. Part of the exploration
4 recovery of the mine?

5 A. Yeah. And our team split into
6 two groups, and we did almost the
7 entire recovery between one or the
8 other of our teams. They may have
9 had eight hours of other teams in the
10 recovery, and the other 48 hours or
11 so was our teams were actively
12 exploring.

13 MR. O'DONNELL:

14 Okay. Mike, do you
15 have any other follow-up
16 questions?

17 MR. RUTLEDGE:

18 No, not right now.

19 MR. O'DONNELL:

20 If we could just go off
21 the record?

22 OFF RECORD DISCUSSION

23 MR. O'DONNELL:

24 On behalf of MSHA, I
25 want to thank you for

1 appearing and answering
2 questions today. Your
3 cooperation is very important
4 to the investigation as we
5 work to determine the cause of
6 the accident.

7 We ask that you not
8 discuss your testimony with
9 any person who may have
10 already been interviewed, or
11 who may be interviewed in the
12 future. This will ensure that
13 we obtain everyone's
14 independent recollection of
15 the events surrounding the
16 accident.

17 After questioning other
18 witnesses, we may call you if
19 we have any follow-up
20 questions that we may need to
21 ask. If you, at any time,
22 have additional information
23 regarding the accident that
24 you would like to provide to
25 us, please contact us at the

1 contact information that we
2 gave you earlier.

3 A. Okay.

4 MR. RUTLEDGE:

5 The Mine Act provides
6 certain protections to miners
7 who provide information to
8 MSHA, and as a result are
9 treated adversely. If at any
10 time you believe that you've
11 been treated unfairly because
12 of your cooperation in this
13 investigation, you should
14 immediately notify MSHA. If
15 you wish, you may now go back
16 over any answer that you've
17 given during this interview,
18 and you may also make a
19 statement that you would like
20 to make at this time.

21 A. I don't think I have any
22 statement.

23 MR. O'DONNELL:

24 Okay. Again, we'd like
25 to thank you, Brad, for your

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cooperation. Appreciate it.

* * * * *

SWORN STATEMENT CONCLUDED

AT 11:57 A.M.

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