

IN RE: CRANDALL CANYON  
MINE INVESTIGATION INTERVIEWS

INTERVIEW  
OF  
MIKE HICKS

INTERVIEWERS:  
JOE PAVLOVICH, ERNEST TEASTER

DATE:  
OCTOBER 30, 2007

1 BY MR. PAVLOVICH:

2 Q. I'll explain a little bit about what we're doing. I don't know how familiar --- I  
3 know you read the memo that we sent to you and understand this is what they're  
4 terming as an independent review. Ernie and I both retired from MSHA several years  
5 ago and they asked us to come back and head up this independent review team,  
6 obviously because Mr. Stickler and Kevin Stricklin were both at Crandall Canyon and  
7 so they felt they needed to have some independent people and we've selected a team  
8 of people here from MSHA. And of course, <sup>Ex. (b)(6) and E</sup> is our solicitor to assist us on this.  
9 What we'll be doing is interviewing probably most, if not all of the people that were  
10 there during the rescue effort and then also a lot of the inspectors and supervisors and  
11 plans people prior to the accident that had any dealings, the original accident.

12 We'll start out --- I'll just read a statement to you first. And the other thing is,  
13 we are going to tape your interview, if that's okay with you, to record it so we don't  
14 miss anything you say or misquote you in any way. We'll have that for reference.

15 The Secretary of Labor has assigned this group the task of evaluating MSHA's  
16 performance during the period preceding the August 6th, 2007 coal bounce at the  
17 Crandall Canyon mine and the subsequent rescue effort. We will also be evaluating  
18 issues that were raised during this time period regarding Bob Murray and his  
19 interaction with MSHA. This is not an investigation or a review of any individual  
20 person. It's an administrative review of MSHA's actions as an agency. This  
21 evaluation will be presented to the secretary in the near future and it is intended that  
22 the results of the evaluation will be made public.

23 This interview is being conducted to gather information for this assignment.  
24 We also intend to interview a number of other MSHA employees. So that we may  
25 obtain unbiased information from all persons to be interviewed, we ask that you not

1 discuss this interview with anyone until all the interviews are completed. Okay. And I  
2 guess you're an inspector?

3 A. Yes, I am.

4 Q. Okay. So you're in the bargaining unit?

5 A. Yes.

6 Q. And you've been notified that you did have a right to ---

7 A. Yes.

8 Q. --- a representative and you don't have one with you, so I'm assuming you did  
9 not exercise that right; is that correct?

10 A. That is correct.

11 Q. Okay. Do you have any questions so far? Okay. What's your full name,  
12 Mike?

13 A. Michael Harvey Hicks.

14 Q. Okay. And can you tell me what your job title is presently?

15 A. I'm a coal mine health and safety inspector.

16 Q. Okay. And how long have you been a mine health and safety inspector?

17 A. I'm working on my tenth year.

18 Q. Tenth year. And you hired in as an inspector trainee and started your career  
19 with MSHA ten years ago?

20 A. Yes, I did.

21 Q. Okay. Also one of the reasons you're being interviewed is that you did go to  
22 Crandall Canyon and I imagine that is as an MEU member?

23 A. Yes, I did.

24 Q. Okay. And how long have you been a member of the MSHA MEU team?

25 A. Four or five years. I don't remember exactly how long.

1 Q. Okay. So at some time in your --- could you tell me what office you work out  
2 of?

3 A. Mt. Hope.

4 Q. You're out of the Mt. Hope office. And who is your supervisor?

5 A. Roger Richmond.

6 Q. Okay. How and when were you notified of the accident at Crandall Canyon  
7 mine?

8 A. They called me on the Monday the day that it happened but I was on vacation.

9 Q. Okay.

10 A. I was on the beach so I told them I just could not go right then.

11 Q. Okay. All right. And so who called you?

12 A. Virgil Brown.

13 Q. Virgil. Okay. And then what was the arrangement you made as to when you  
14 could go?

15 A. I told him when I come back from vacation, I'd be available ---

16 Q. Okay.

17 A. --- if he still needed me.

18 Q. Okay. And what day was that you were planning on coming back?

19 A. I was coming back the following Monday.

20 Q. Okay. So it would have been like the 13th or so, 12th, 13th, something like  
21 that?

22 A. Somewhere in that neighborhood, I don't know the date.

23 Q. Okay.

24 A. I come back and went to work. I worked the evening shift Monday and  
25 Tuesday and they called me on Tuesday, I think it was, or Wednesday morning.

1 Wednesday morning and they wanted me to get the van and bring the robot to Utah.

2 Q. Okay. So you picked that up here at the academy, at the mine rescue training  
3 center?

4 A. Yes, I did.

5 Q. Okay. And so do you remember the date of that, by any chance?

6 A. I'd have to look at a calendar. No, I don't.

7 Q. Okay.

8 A. I'm going to venture to say that was probably on the --- I'm thinking the 20th  
9 but I could be wrong. I really would have to look at my ---.

10 UNIDENTIFIED SPEAKER:

11 Well, this was after the second accident.

12 A. I was en route when the second --- I was in Kansas when the second accident  
13 happened.

14 BY MR. PAVLOVICH:

15 Q. Okay. That was on the 16th.

16 A. Okay. Well, then I left on the ---.

17 Q. You probably left the 14th, maybe.

18 A. Let me find it here. Thirteenth (13th) would have been when I left.

19 Q. Okay. So you left on the 13th. Okay.

20 UNIDENTIFIED SPEAKER:

21 Mike, you might have been looking at 2008. Wednesday in  
22 2008 is the 13th. Here's 2007. Do you think maybe the 15th was when you left?

23 A. I started to say the 15th. Yeah, the 15th is when I left.

24 BY MR. PAVLOVICH:

25 Q. The 15th. Okay. All right. So you were transporting the robot in the van ---

- 1 A. Correct.
- 2 Q. --- out west? And you say you were in Kansas when you heard of the second  
3 accident?
- 4 A. Uh-huh (yes).
- 5 Q. And had you had any communication with anybody during that time since the  
6 first accident had occurred, other than watching the news or had you ---?
- 7 A. Just watching the news.
- 8 Q. Just watching the news. So you kind of knew what was going on as per the  
9 news media?
- 10 A. Right.
- 11 Q. All right. But you hadn't talked to Virgil again or got any updates on anything?
- 12 A. No.
- 13 Q. Okay. So then when did you arrive at the mine?
- 14 A. On a Friday.
- 15 Q. On the Friday which would have been the 16th or the ---?
- 16 A. Eighteenth (18th).
- 17 Q. Oh, the 18th. I'm sorry. You left on the 15th.
- 18 A. Seventeenth (17th).
- 19 Q. Seventeenth (17th). That's the day after the accident?
- 20 A. Uh-huh (yes).
- 21 Q. Okay. And did you go straight to the mine when you ---?
- 22 A. No. Virgil had me go to the motel.
- 23 Q. Okay. So you signed in at the motel?
- 24 A. I went to the motel and checked in and that evening went to the mines and  
25 took the robot.

1 Q. Okay. So who did you go with?

2 A. Virgil.

3 Q. Did you drive the van by yourself cross country?

4 A. Me and little Virg. For the ones you don't know who little Virg is, that's the  
5 robot.

6 Q. Okay. So you and Virgil went to the mine the evening of the 17th and what  
7 did you do that evening?

8 A. Nothing. We just took the van. He just wanted to show me how to get there  
9 and basically that was all we did that day.

10 Q. Did you unload the robot or anything?

11 A. No. I don't remember.

12 Q. Was there anything going on?

13 A. There may have been but everybody was in buildings and stuff. You know, I  
14 never did get involved in any of that.

15 Q. Okay. So did you ever go into the command center, the Blue Goose there?

16 A. One --- let's see, I was in there one day setting up some tables and stuff, when  
17 they first set it up. I can't remember which day that was though.

18 Q. Okay. Now, was that inside the Blue Goose or in the building?

19 A. No. I'm sorry, it wasn't the Blue Goose. It was a trailer they brought there  
20 for ---.

21 UNIDENTIFIED SPEAKER:

22 For the tech support people.

23 A. For the tech support people. I think I was in the Blue Goose one time and  
24 looked at the map ---

25 BY MR. PAVLOVICH:

1 Q. Okay.

2 A. --- just to get a feel of what was going on because at that particular time, they  
3 didn't know whether we was going underground or not.

4 Q. Okay. So then what happened after that?

5 A. After that, we went back to the motel. The next day, we was informed that  
6 nobody was going underground and I think that's the day we took a --- we went and  
7 rented a generator and took it up on top of the mountain to the drill site and set it up.  
8 They had a command trailer up there that didn't have no --- they had taken a smaller  
9 generator but it wouldn't run or something.

10 Q. Okay. So you took a generator up to the drill site. Did you do any work  
11 around the drills or ---?

12 A. Not that day.

13 Q. No. Okay. How long did you stay out in Utah?

14 A. I think I left in about three or four days, something like that. I don't remember  
15 exactly.

16 Q. Okay.

17 A. Spent that day taking the generator up there and getting it set up and I think  
18 they stopped us on the side of the mountain, I think it was the third hole that they had  
19 just put down, and they were trying to listen for --- putting off shots and listen, so we  
20 sat on the side of the mountain for two or three hours with nothing moving so they  
21 could hear. Then I took a generator, went up, set it up and then the next day --- or no,  
22 I'm sorry, that night, I think it was that night, they brought in ---. I may have my dates  
23 mixed up. I don't know if it was that night or the following night. They sent me up  
24 there with Bob Clay to show him how to get up there and then I spent the whole night  
25 with him monitoring the number four drill site and number one, two and three.

1 Q. Okay. When you say monitoring, what were you, drawing samples?

2 A. Yeah, he was.

3 Q. Bob Clay was drawing samples. Okay. Were you also taking handheld  
4 readings there out of the tube?

5 A. Uh-huh (yes).

6 Q. What kinds of readings were you getting?

7 A. Between 13, 15 percent. Something like that.

8 Q. Oxygen?

9 A. Oxygen.

10 Q. Were you reporting those at regular intervals?

11 A. Uh-huh (yes).

12 Q. How often?

13 A. Every hour.

14 Q. Every hour. And who were you reporting them to?

15 A. Bob was reporting them to the command center, I think.

16 Q. Okay. So what means of communication did you have there, a cell phone or  
17 a ---?

18 A. They had a cell phone set up. Let me think here. Okay. Now, that might  
19 have been the third day because I went up with a guy out of Pittsburgh to set the cell  
20 phone satellite up. That might have been the second day. That might have been the  
21 night I went back with Bob Clay. I may have those days mixed up.

22 MR. TEASTER:

23 Okay. You went back with Bob Clay and he sampled but did  
24 you monitor the boreholes?

25 A. No. I just stayed with him all night.

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MR. TEASTER:

You stayed that one night.

BY MR. PAVLOVICH:

Q. Okay. So by the time you got out there, the underground operation had already ceased?

A. Uh-huh (yes).

Q. They weren't doing anything but still drilling a hole and monitoring other holes?

A. Uh-huh (yes).

MR. TEASTER:

Okay. Were you told why the underground operations were ceased?

A. Yes. On the count of we had lost those individuals and still had seismic activity going on underground.

BY MR. PAVLOVICH:

Q. You mentioned they were doing some testing with the geophone system or seismic system when they stopped you on the side of the mountain.

A. Uh-huh (yes).

Q. Did you ever do any work with that?

A. I never did see that. Well, I could see them. They were set up down in the valley.

Q. Okay.

A. We could see it from one point up on top of the mountain but ---.

Q. You never got down there and did any work with any of that? Did you ever meet Bob Murray out there?

1 A. Never did see him.

2 Q. Never did see him. How about any ---?

3 A. The only time I ever seen him was on TV.

4 Q. Okay. How about any family members, any press, anybody like that?

5 A. We would see them as we come through, the TV cameras and all the people  
6 standing out there. We went to the wake of one of the mine rescue men.

7 Q. Gary Jensen. You went to his wake?

8 A. Uh-huh (yes). I told you I wasn't going to be much help to you.

9 UNIDENTIFIED SPEAKER:

10 He's right.

11 A. Hey, I'm an underground man. When I get out there and just run around on  
12 the surface, I'm no good to them.

13 BY MR. PAVLOVICH:

14 Q. Well, we're not sure. I mean, we want to interview anybody that's got any  
15 information that's going to help us with this review and we're not sure  
16 --- as I remember, there was no notes and we just wanted to, you know, any  
17 information that you had, we wanted you to share that with us. And obviously you  
18 wasn't underground, you got there and you was on the boreholes, but any information  
19 that we can get that's going to help us with this review, we certainly want to pursue  
20 that information.

21 A. The most work I had done out there was helped Bob Clay change a flat at one  
22 time.

23 UNIDENTIFIED SPEAKER:

24 Did you have a chance to look at the mine map at all  
25 anywhere along the line?

1 A. I went in the command center that one time to look at the map.

2 UNIDENTIFIED SPEAKER:

3 And just what did you think of what they were doing as far as  
4 pillaring and where they were pillaring with the gob on either side of them and you  
5 being around a long time in the mines? What were your thoughts on that?

6 A. I didn't think they needed to be there. That was just my thought, my personal  
7 opinion.

8 BY MR. PAVLOVICH:

9 Q. Okay. That's what we're asking, is your opinion. Did you talk to some of the  
10 other guys that had been there?

11 A. I talked to Mike Shumate and Otis a bit and Virgil, and Virgil had a map one  
12 time. I looked at it quite extensively, trying to figure out what was going on.

13 Q. But anything you knew about what happened underground would be  
14 secondhand? I mean, just what somebody may have told you?

15 A. That's it.

16 UNIDENTIFIED SPEAKER:

17 Was there anything doing --- with the robot that you took up  
18 there? Did anybody take it underground?

19 A. We unloaded him and took him inside that little shop, and right before I left,  
20 we loaded him back in the van and that's all I know about him.

21 BY MR. PAVLOVICH:

22 Q. You drove him home?

23 A. That, I don't even know.

24 Q. You didn't drive him home?

25 A. No. 1,977 miles, I didn't care whether I did or not.

1 Q. How did you get home, fly back?

2 A. I flew back.

3 Q. Okay. Somebody else, I assume, drove him home?

4 A. I think John was going to drive him back to Pittsburgh but I think in the end, I  
5 think Virgil and Jerry may have went out there and got it. I don't really know. I never  
6 did --- I know it finally got back.

7 MR. PAVLOVICH :

8 Okay. I don't know, Ernie. I really don't have any ---

9 MR. TEASTER :

10 I don't have anything else.

11 MR. PAVLOVICH :

12 --- any more questions.

13 UNIDENTIFIED SPEAKER Ex. (b)(6) and Ex. (b)(7)(C)

14 I have a follow-up.

15 MR. PAVLOVICH :

16 Oh, go ahead.

17 UNIDENTIFIED SPEAKER Ex. (b)(6) and Ex. (b)(7)(C)

18 You said that you understood the rescue effort was stopped  
19 because of the accident on the 16th and because of the seismic activity. Did anybody  
20 tell you that or that was just your ---?

21 A. That's what Virgil told me.

22 UNIDENTIFIED SPEAKER Ex. (b)(6) and Ex. (b)(7)(C)

23 Virgil told you. Okay. That's it. Thank you.

24 A. Anything else, you better get it now or I'm gone.

25 BY MR. PAVLOVICH:

1 Q. Well, if there's anything you can share with us.

2 Do you have anything that you can share with us that we have not asked you?

3 A. There again, like I said, I didn't get to go underground. I would have liked to  
4 but didn't get to go so I don't really know nothing.

5 Q. Anybody got anything? Well, Mike, I appreciate you coming over here. I  
6 mean, I ---.

7 A. When I said I didn't have no notes, I meant I didn't have nothing.

8 Q. That's why you didn't have them. But I will tell you this, several of us here  
9 have been involved with rescue teams for years and all that, and we certainly  
10 commend you for the work you do and respect you for that work and appreciate the  
11 fact that you got volunteers in MSHA that volunteer to do that kind of work. So we  
12 didn't get any information out of you this time but we might next time. Okay. But we  
13 thank you for coming in and ---

14 A. You're quite welcome.

15 Q. --- and talking to us.

16 MR. TEASTER :

17 Good to meet you, Mike. Thank you.

18 UNIDENTIFIED SPEAKER Ex. (b)(6) and Ex. (b)(7)(C)

19 Thank you. Nice to meet you.

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