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Statement Under Oath of Blake Acord

Date: June 2, 2010

Case:

Printed On: July 20, 2010

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STATEMENT UNDER OATH

OF

BLAKE ACORD

taken pursuant to Notice by Brett Steele, 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
Wednesday, June 2, 2010, beginning at 1:06 p.m.

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P R O C E E D I N G S

ATTORNEY WILSON:

Good afternoon. My name is Bob Wilson.

I'm with the Office of the Solicitor, United States Department of Labor. With me is John Godsey. He's an accident investigator with the Mine Safety and Health Administration. Also present are officials with the State of West Virginia, and I'll ask that they state their appearance for the record.

ATTORNEY MCATEER:

I'm Davitt McAteer, with the Governor's Independent Review Committee.

MR. FARLEY:

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

MR. O'BRIEN:

John O'Brien, with the West Virginia Office of Miners' Health, Safety and Training.

ATTORNEY WILSON:

And today is June 2nd, 2010. We're here conducting an interview of Blake Acord. There are several members of the investigation team also present in the room. All members of the Mine Safety and Health Administration Accident Investigation Team and

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

17 Mr. Acord, government investigators and
18 specialists have been assigned to investigate the
19 conditions, the events and circumstances surrounding
20 the fatalities that occurred at the Upper Big Branch
21 Mine-South on April 5th, 2010. The investigation is
22 being conducted by MSHA, pursuant to Section 103(a) of
23 the Federal Mine Safety and Health Act and also by the
24 West Virginia Office of Miners' Health, Safety and
25 Training. We appreciate your assistance in this

1 investigation.

2 After the investigation is complete, MSHA
3 will issue a public report detailing the nature and
4 causes of the fatalities in hope that greater
5 awareness about the causes of accidents can reduce
6 their occurrence in the future. Information obtained
7 through witness interviews is frequently included in
8 those reports. And you should know that if you
9 request confidentiality, confidentiality will only be
10 granted on a case-by-case basis. Your statement may
11 also be used in other enforcement proceedings.

12 You may have a personal representative
13 present during the taking of this statement. You may
14 consult with that representative at any time. Do you
15 have a representative with you?

16 MR. ACORD:

17 No.

18 ATTORNEY WILSON:

19 You may refuse to answer any question.

20 You may request a break at any time. This is not an
21 adversarial proceeding, so Cross Examination type
22 questions will not be permitted. However, clarifying
23 questions will be allowed, as appropriate. A court
24 reporter will record the interview. Please speak
25 loudly and clearly so that the court reporter is able

1 to get down your answers. If you do not understand a
2 question asked, please ask that the question be
3 rephrased. Please answer each question as fully as
4 you can, including any information that you may have
5 learned from someone else. Again, I want to thank you
6 in advance for your appearance here today. We
7 appreciate your assistance in this investigation.
8 Your cooperation is critical in making the nation's
9 mines safer.

10 After we have finished asking questions,
11 you will have an opportunity to make a statement and
12 provide us with any other information that you believe
13 may be relevant to the investigation. If at any time
14 after the interview you think of any additional
15 information that you would like to provide to us, you
16 can call Norman Page, the lead accident investigator,
17 whose contact information was included in the letter
18 that was sent to you.

19 Any statements given by a miner witness
20 to MSHA is considered to be an exercise of
21 statutorily-protected rights under the --- under
22 Section 105(c) of the Mine Act. If you believe any
23 discharge, discrimination or any other type of adverse
24 action is taken against you as a result of your
25 cooperation with this investigation, you are strongly

1 encouraged to immediately contact MSHA and file a
2 complaint under Section 105(c) of the Mine Act.
3 Remedies under the Mine Act include back wages and
4 immediate temporary reinstatement to your most recent
5 position with the company, pending a complete
6 investigation of your complaint. In order to file
7 such a complaint, you should contact the MSHA District
8 4 office in Mount Hope. The contact information is
9 also included in the letter that we sent to you.
10 Also, more information concerning your rights as a
11 miner under the Mine Act, you can go to MSHA's website
12 at www.msha.gov. At this time I will ask that the
13 court reporter swear you in.

14 -----
15 BLAKE ACORD, HAVING FIRST BEEN DULY SWORN, TESTIFIED
16 AS FOLLOWS:
17 -----

18 ATTORNEY WILSON:

19 Terry?

20 EXAMINATION

21 BY MR. FARLEY:

22 Q. Okay to call you Blake?

23 A. Yeah.

24 Q. Blake, let me begin by advising you that the West
25 Virginia Coal Mine Health and Safety Regulations also

1 protect miners against discrimination. I want to pass
2 along a memo to you, which gives you some contact
3 information in the event that you feel like your
4 employer discriminates against you for making
5 statements during this interview.

6 A. Okay.

7 Q. I would also advise you that if you choose to file
8 a discrimination complaint, it needs to be done within
9 30 days of the event that results in discrimination.

10 A. Okay.

11 Q. Let's begin, if you would, please, by giving us
12 your name, your address and your phone number.

13 A. Blake Joseph Acord, (b) (7)(C)

14 (b) (7)(C) .

15 Q. (b) (7) . Okay. Blake, where are you employed?

16 A. Right now I'm employed with David Stanley
17 Consultants, but I work at the Slip Ridge Mines right
18 now.

19 Q. You're at Slip Ridge Mines?

20 A. Uh-huh (yes).

21 Q. Okay. Where were you working on April 5th of this
22 year?

23 A. I worked the shift prior to the explosion. I
24 worked that Sunday. I got off that morning.

25 Q. At Upper Big Branch?

1 A. Yeah, at Upper Big Branch.

2 Q. Okay. And how long have you been with David
3 Stanley?

4 A. Three-and-a-half months.

5 Q. Now, what exactly does David Stanley Consultants
6 do?

7 A. They're contractors, like you go in, work at a
8 mine or whatever. And if the mine likes your work you
9 do, they end up hiring you.

10 Q. Okay. Like contract labor?

11 A. Yeah.

12 Q. Does David Stanley do anything other than provide
13 contract labor?

14 A. Not to my knowledge.

15 Q. Okay. And you've been with David Stanley about
16 three-and-a-half months?

17 A. Uh-huh (yes). Yeah.

18 Q. What's your total mining experience?

19 A. Three-and-a-half months.

20 Q. Three-and-a-half months?

21 A. Yeah.

22 Q. So you are still a red hat; is that correct?

23 A. Yes. Yep.

24 Q. Do you recall when you got your Apprentice Miner
25 Certificate?

1 A. Yeah.

2 Q. When was that?

3 A. I got it in my wallet here, my card. I can tell
4 you.

5 Q. Okay, if you got it handy there.

6 A. 2/22 --- yeah, 2/22/2010.

7 Q. Okay.

8 ATTORNEY MCATEER:

9 Can I see your card? I'm sorry. Can I
10 see your card?

11 BY MR. FARLEY:

12 Q. You said 2/22/2010?

13 A. Yes.

14 Q. So when did you actually start working underground
15 at UBB?

16 A. It was I think the 24th of February.

17 Q. Okay. Pretty soon after you got started, huh?

18 A. Yeah.

19 Q. I would think you don't hold any other
20 certifications; is that correct?

21 A. I have my 40-hour surface black hat.

22 Q. You have a surface miner's black hat ---?

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

24 Q. Have you worked in a surface mine?

25 A. My previous job was at SGS Minerals. I sampled

1 coal and I was on a strip job every day.

2 Q. All right. Now, I think you told us the last
3 shift you worked at UBB was the midnight shift ---

4 A. Yeah.

5 Q. --- on the morning of April 5th; is that correct?

6 A. Yes.

7 Q. Was midnight your normal shift at UBB?

8 A. Yes.

9 Q. Okay. Have you been interviewed by anybody
10 else ---

11 A. No.

12 Q. --- about this accident?

13 ATTORNEY WILSON:

14 Was that a no?

15 A. No, I haven't.

16 BY MR. FARLEY:

17 Q. Now, as we understand it, your job classification
18 is shield technician?

19 A. Yeah, it was, on the longwall.

20 Q. What exactly were your duties and responsibilities
21 as a shield technician?

22 A. I had to get on the --- there's a computer. It
23 will tell all the faults on the shields. I had to
24 make a list of all the faults. And all the parts that
25 we had on the longwall at our parts car, if we had the

1 parts, we'd go fix it on the shields, like replacing
2 hoses, solenoids, CIUs.

3 Q. Okay. So the computer would tell you where the
4 faults are?

5 A. Yeah. It'll tell you what number shield it is.

6 Q. Then you'd go fix it; ---

7 A. Yeah.

8 Q. --- is that right? Okay. Sounds like a pretty
9 technical job.

10 A. Yeah.

11 Q. Did you have any assistance in doing that job?

12 A. Yeah.

13 Q. Who helped you?

14 A. Steve Gration. He was my boss.

15 Q. Steve Gration, how do you spell that?

16 A. G-R-A-T-I-O-N.

17 Q. Now, what were Steve's qualifications? Did he
18 have a Coal Miner's Certificate?

19 A. He was an electrician, certified electrician.

20 Q. He was a certified electrician?

21 A. Yes.

22 Q. Now, after you get on the computer and determine
23 where the faults were, did Steve actually do the
24 repair work or did you do it?

25 A. Me and him both performed the work.

1 Q. Okay. Now, did any of this involve electrical
2 work?

3 A. No.

4 Q. Okay. Is Steve Gration the person you reported
5 to?

6 A. Yeah. He was my boss.

7 Q. Were there any other employees of David Stanley
8 Consultants working with you and Steve?

9 A. No.

10 Q. Okay. Can you give us an idea of the normal
11 problems you had to deal with in your job?

12 A. Hose like --- hose leaks, solenoids bypassing,
13 changing ram jacks, base lift jacks. They ran off
14 emulsion, so it was nothing electrical, just changing
15 O rings, shearer pins on the pan line and stuff.

16 Q. Okay. Now, at any time did the work involve
17 electrical cable?

18 A. No, none whatsoever.

19 Q. Okay. Did you have any other responsibilities
20 other than what you just described?

21 A. When they moved power, we helped move power. But
22 no, I didn't perform electrical work there either. I
23 like deload the track and stuff.

24 Q. Was the power de-energized when it was moved?

25 A. Yes.

1 Q. Did you carry a methane detector?

2 A. No, I didn't.

3 Q. Did Steve Gration carry one?

4 A. Yes.

5 Q. Do you recall what kind he carried?

6 A. It was the black and green. I'm not sure what the
7 name of it was.

8 Q. Okay. Now, if you started at UBB on February
9 24th, that would give you, oh, roughly a month-and-a-
10 half ---

11 A. Yeah, around then.

12 Q. --- time there; right?

13 A. Uh-huh (yes).

14 Q. Did Steve ever detect any methane while you were
15 performing the job that you got?

16 A. No.

17 Q. Did you ever go anywhere other than the longwall
18 face?

19 A. No, I didn't.

20 Q. Okay. Did you ever hear his detector alarm?

21 A. No.

22 Q. Did you and/or Steve ever do any cutting and
23 welding?

24 A. No, I didn't.

25 Q. Did Steve?

1 A. No.

2 Q. Okay. Never found any methane at any time; right?

3 A. No.

4 Q. Now, when Steve made his methane exams, can you
5 describe where he made the exams?

6 A. Yeah. It was about --- it was up high, towards
7 the roof. It was like before we went underneath the
8 shields, then after a while it was in the shields.

9 Q. Okay. Did he ever make any methane examinations
10 down low, towards the floor?

11 A. A couple times I remember seeing him do it.

12 Q. But he never found any methane?

13 A. No. There was people welding and using torches
14 that night, though.

15 Q. Okay. Where were they welding and using torches
16 that night?

17 A. They was repairing the pan line on the longwall.
18 It had some pans bent.

19 Q. Okay. Can you just tell me where on the pan line?

20 A. I'd say --- well, we had a lot broke off that
21 night. It was anywhere between 9 and probably 167
22 Shield.

23 Q. Okay. Who was doing the welding and cutting that
24 night?

25 A. Greg Meadows and Michael Medley.

1 Q. Now, are they UBB employees?

2 A. Yeah, they was.

3 Q. Okay. Were they cutting and welding all night
4 long?

5 A. No, it wasn't all night.

6 Q. Were they still cutting and welding at the end of
7 the shift?

8 A. Oh, no.

9 Q. They finished before the end of the shift?

10 A. Yes.

11 Q. Now, I should have asked you this to start with.
12 What time did your shift start on this last night,
13 which would have been into the morning of April 5th?

14 A. We go underground at 11:30.

15 Q. When do you finish?

16 A. It was around 8:30.

17 Q. A.M.?

18 A. Yeah, in the a.m.

19 Q. Was the longwall crew underground before you went
20 up?

21 A. The dayshift crew?

22 Q. Yes.

23 A. Yeah. Every morning they are.

24 Q. Okay. Was the longwall operational? Was it
25 producing coal when you left the mine?

1 A. Probably before I reached outside it was, but not
2 while I was there.

3 Q. Okay. Any reason why --- what time would the
4 dayshift crew have come in?

5 A. They probably got there around 8:00.

6 Q. Okay. You left at 8:30?

7 A. Yeah. I got out from underneath the ground at
8 8:30.

9 Q. Okay. What time --- did you leave after they got
10 there?

11 A. Yeah. We had like a meeting there. We told 'em
12 what we fixed and what we didn't get fixed, and then
13 we left and they started running coal.

14 Q. Okay. Now, how do you know that they started
15 running coal?

16 A. Well, I guess I don't know that, but I'm pretty
17 sure they did.

18 Q. Okay. That's probably what they routinely did;
19 right?

20 A. Yeah, it's routine.

21 Q. But by the time you got to the surface, you don't
22 actually know if they were producing coal?

23 A. No. I can't see no belts anywhere underground
24 there.

25 Q. Did anyone tell you that the longwall was

1 producing coal?

2 A. No.

3 Q. When you and Mr. Gration were doing your work on
4 the longwall face, when you had a problem, did you
5 call outside and let anybody know?

6 A. Like with the shields?

7 Q. Yes.

8 A. No.

9 Q. Okay. Who did you report to at the end of the
10 shift as to what you had found --- what problems you
11 had found and what problems you fixed?

12 A. Usually we told --- well, I didn't report to
13 anybody outside. But while we was underground,
14 usually we told the jack setters and stuff what we had
15 fixed.

16 Q. Jack setters on the oncoming shift?

17 A. Yeah.

18 Q. Okay. The last shift you worked, which would have
19 been April 5th, do you know if there was any
20 indication that the shields were taking more weight
21 than normal?

22 A. No.

23 Q. Any pinging of yield valves, anything like that?
24 Hear anything unusual?

25 A. No. The top falls all the time, though, and hits

1 the shields.

2 Q. Okay. Did you hear any other unusual sounds
3 throughout your last shift there?

4 A. No.

5 Q. Okay. Did you ever notice any floor hooving?

6 A. Uh-uh (no). No.

7 Q. Okay. You indicated that there was welding and
8 cutting ongoing during the morning of April 5th, when
9 you were there. Where do they usually maintain the
10 oxygen acetylene bottles?

11 A. It was a thousand foot from the longwall face, but
12 you know, we had to go get 'em and bring 'em up.

13 Q. Which side? Would that be on the headgate side?

14 A. Yeah, headgate side.

15 Q. Okay. Do you recall how many bottles they
16 typically maintained?

17 A. Just two --- or maybe four.

18 Q. Okay. During your last shift on April 5th, are
19 you aware of any problems with the longwalls here?

20 A. No. I think we serviced it that night. We
21 changed the oil, replaced bits and stuff.

22 Q. Okay. Did you --- were there any problems with
23 the tail drive that you heard about?

24 A. No.

25 Q. Would you happen to know what type of cutter drum

1 was on the shearer?

2 A. They was rock drums. They wasn't coal drums. It
3 held --- yeah, it held nine buckets of bits on each
4 drum.

5 Q. Nine buckets of bits. Whenever you changed the
6 bits, what did you do with the old ones?

7 A. We put 'em back in the buckets and we took 'em our
8 parts' car.

9 Q. Okay. Back to the oxygen acetylene tanks. How
10 were they stored? Were they in some kind of a
11 container or cover?

12 A. No. They were hanging from the top.

13 Q. Hanging from the top?

14 A. Yeah, with rope hangers, hung up.

15 Q. Okay. Now, I know you had only been at UBB for
16 about a month-and-a-half at the time of the explosion.

17 A. Uh-huh (yes).

18 Q. Do you know if the longwall shearer had to cut
19 into the top and into the bottom at any time when it
20 was operational? Did you hear anything about that?

21 A. I'm pretty sure it cut top and bottom.

22 Q. Okay. Anywhere in particular?

23 A. No. I know at the face, it wasn't like just a
24 straight face. It started going downhill probably
25 around 98 Shield. It wasn't just a straight face. It

1 started going downhill kind of.

2 Q. Okay. Started dipping ---

3 A. Yeah.

4 Q. --- toward the tailgate; is that correct?

5 A. Yeah.

6 Q. That was about 90 Shield?

7 A. Yeah. Anywhere between 90 and 100.

8 Q. Okay. Did you ever get an opportunity to actually
9 watch the longwall shearer in operation?

10 A. Yes.

11 Q. Did you notice sparks coming from the cutter drum?

12 A. Yeah. It did once or twice. I remember seeing
13 it.

14 Q. Do you know about where it was located when ---?

15 A. It was towards the headgate when it was doing
16 that.

17 Q. Okay. When you changed bits, did you ever notice
18 that the carbon tips were missing from the bits?

19 A. No.

20 Q. Okay.

21 A. From the old ones, some of 'em was, but not the
22 new ones that we replaced.

23 Q. Okay. Have any idea how long the bits would last
24 before you had to change them? Do you know how much
25 they could operate before you had to change them?

1 A. We usually changed bits every other night.

2 Q. Every other night?

3 A. Yeah. I don't know what they done on the shifts
4 that I didn't work on.

5 Q. All right. I know you're only a red hat and you
6 only got ---

7 A. Right.

8 Q. --- minimum time here, but what was your
9 impression of the ventilation on the longwall face?

10 A. Oh, it was strong. I mean, you could spit out
11 spit and it would go sideways. It was some strong
12 wind on the longwall.

13 Q. Okay. Did you notice --- I know you started in
14 the latter part of February ---

15 A. Uh-huh (yes).

16 Q. --- and you worked through April the 5th.

17 A. Yeah.

18 Q. Did you notice any change in the ventilation
19 during that period of time?

20 A. I think one night it was hotter. But it wasn't
21 actually on the face, it was in the track entry,
22 walking towards the longwall face.

23 Q. When you say it was hotter, ---

24 A. Yeah.

25 Q. --- how do you mean that?

1 A. It was more --- it was --- I don't know. It
2 wasn't as cold as what it usually was.

3 Q. Okay. Now, when you say it's colder, does that
4 mean there's more airflow when it's colder?

5 A. Not so much that. I don't know. It just felt
6 colder.

7 Q. Okay.

8 A. I did go home three times, though, over
9 ventilation not being right. I don't know if it was
10 on the longwall itself, but I know they wouldn't let
11 us underground. I think it was two or three times.

12 Q. Can you recall when that was?

13 A. It was probably the first part of March.

14 Q. Okay. Around the 1st of March. How long were you
15 off as a result of ventilation problems?

16 A. Just one night. Yeah, each night. Like about
17 two or three times, I was off each night.

18 Q. Okay. I assume you showed up for work ---

19 A. Yeah.

20 Q. --- at the mine?

21 A. Yeah.

22 Q. And they told you to go home?

23 A. Yeah.

24 Q. What did they tell you? Can you remember?

25 A. Yeah. They said --- they just said ventilation

1 wasn't right, and they wasn't letting anybody
2 underground.

3 Q. Okay. Who did you hear that from? Do you
4 remember?

5 A. I heard it from my boss and another guy that
6 worked on the longwall crew with us.

7 Q. Okay. Now, other than around the 1st of March,
8 was there another time that you were sent home because
9 of ventilation?

10 A. After ventilation was bad, our outside fan
11 caught --- the motor caught on fire and we had to go
12 home because of it.

13 Q. You say the outside --- the fan motor caught on
14 fire?

15 A. Ventilation fan, yeah.

16 Q. On the surface?

17 A. Uh-huh (yes).

18 Q. When was this?

19 A. It was probably towards the middle of March.

20 Q. Okay. Now, did this happen while you were in the
21 mine or ---?

22 A. Yeah. As soon as we got to the longwall --- as
23 soon as we got to the longwall, they came over the
24 mine phone and told us to evacuate because the
25 mine --- I mean --- yeah, the mine fan caught on fire,

1 the motor part.

2 Q. Now, do you know which mine fan it was?

3 A. It was the one next to the tent, the shield tent
4 outside. Like if you're coming out of the motor barn,
5 it's the farthest fan to your left.

6 Q. Now, that'd be at the --- would be at the main UBB
7 Portal?

8 A. No, that's not the main UBB Portal. It's like
9 we'd go up into another drift mouth and we'd throw a
10 switch, and then we'd go back across the yard and go
11 into the UBB Portal.

12 Q. Okay. You didn't portal at Ellis?

13 A. No. I was on the UBB side.

14 Q. Okay. I think there's one portal that goes north
15 and one portal that goes south.

16 A. Yeah. I'm guessing like we would --- I guess we'd
17 pull into the north portal ---

18 Q. Uh-huh (yes).

19 A. --- and then we'd throw a switch and go into the
20 south portal.

21 Q. Okay. Do you have any knowledge of any
22 ventilation changes that were going on while you were
23 working on the longwall?

24 A. No.

25 Q. Back to the fire with the fan. By the time you

1 arrived on the surface, was there still a fire?

2 A. No. It was --- you could smell it. It was like
3 something did burn, but no, there wasn't a fire.

4 Q. I assume --- did the fire cause the fan to stop?

5 A. Yeah, it stopped.

6 Q. Okay. Do you recall how long the fan might have
7 been down?

8 A. I know it was down --- we stayed to see if we had
9 to work on it. And they actually had to get another
10 fan off --- I don't know where it came from, but it
11 was up and running the next night.

12 Q. Okay.

13 A. They had to get a tractor-trailer to bring in the
14 motor from somewhere.

15 Q. Okay. While you were working on the longwall
16 face, did the air ever seem to change direction?

17 A. No.

18 Q. Okay. Were you and Mr. Gration responsible for
19 maintenance or repairs on the longwall shearer methane
20 monitors?

21 A. No.

22 Q. Who would have routinely done that?

23 A. Probably either Shan Dickens, Smoky Hill. Those
24 two was like beside it. They was like the --- I guess
25 you could say the pan line and the shearer maintenance

1 crew. We just took care of the shields mainly.

2 Q. Okay.

3 A. I mean, we helped 'em service the shearer
4 sometimes, but not all the time. We mainly worked on
5 the shields.

6 Q. Okay. Now, these people you just mentioned, are
7 they employees of David Stanley or UBB?

8 A. No, they're UBB.

9 Q. Okay. Were you and Mr. Gration the only David
10 Stanley employees?

11 A. Gration wasn't a David Stanley employee. He was a
12 UBB employee.

13 Q. Oh, okay.

14 A. Yeah.

15 Q. I'm sorry. I missed that somewhere. You know
16 what --- he was an electrician, you said?

17 A. Yeah.

18 Q. Was he a supervisor or was he an hourly employee,
19 do you know?

20 A. I think he was hourly.

21 Q. Okay. Again, it wasn't your responsibility to
22 maintain or repair the longwall methane monitors, but
23 are you aware of any problems with the longwall
24 methane monitors while you were there?

25 A. No.

1 Q. Okay. Are you aware of or did you ever hear of
2 anybody operating the longwall there with methane
3 monitors bridged out or overridden?

4 A. No.

5 Q. Ever hear of anybody placing a plastic bag over
6 any of the methane monitor sensors?

7 A. No.

8 Q. Okay. While you worked on the midnight shift at
9 UBB, did you notice a foreman or a fire boss making
10 the examinations on the longwall face?

11 A. Yeah.

12 Q. Who do you recall doing that while you were there?

13 A. Larry Brown.

14 Q. How often did he make examinations on the longwall
15 face?

16 A. I'm really not for sure of that. I mean, I know I
17 watched him do it, but I'm not for sure.

18 Q. What did you see him do? What did he do?

19 A. He was taking air readings and he was doing
20 methane checks also.

21 Q. Okay. Do you recall --- did you ever notice him
22 detecting any methane? Did his detector ever alarm?

23 A. No.

24 Q. Okay. Did the longwall foreman go over the roof
25 control plan with the crew on a daily basis, ---

1 A. Yeah.

2 Q. --- do you recall? Again, I know it wasn't your
3 responsibility to maintain the methane monitors, but
4 do you know how often they were checked for operating
5 accuracy?

6 A. Like calibration?

7 Q. Yes, sir.

8 A. I think it was every night. Pretty sure. I mean,
9 I'm not for sure.

10 Q. Okay. Do you recall seeing who did that?

11 A. Yeah. It was --- it would either be Shannon or
12 Robert Hill. That's his name.

13 Q. Okay. How often were you around when the longwall
14 was actually producing coal?

15 A. Not much at all. We --- like if we had to change
16 bits or something and they didn't clean the gob-out,
17 they'd just run enough to clean the gob-out so they
18 could get in there and change bits.

19 Q. Okay. Were you around at any time when it was
20 necessary to shut the longwall down for any reason?

21 A. No.

22 Q. Okay. Now, your last shift was the morning of
23 April 5th, ---

24 A. Right.

25 Q. --- which started 11:30 Sunday night; right?

1 A. Yeah.

2 Q. We understand that the mine was idle on Sunday,
3 April 4th. Is that right, as far as you know?

4 A. As far as I know, yes.

5 Q. Okay. Are you aware of or have you heard anything
6 about a possible ventilation change in the UBB Mine on
7 April the 4th?

8 A. No, I'm not.

9 Q. Okay. When you went to work on your midnight
10 shift Sunday night, April the 4th, did you see any
11 unusual people out there, meaning people that you
12 didn't routinely see?

13 A. No.

14 Q. Was it the same people?

15 A. Same people, yeah.

16 Q. Okay. I know you indicated that you thought the
17 longwall shift cut some top from time to time. Did
18 you observe that any more in one place as opposed to
19 another?

20 A. No.

21 Q. Now, since the explosion, have you become aware of
22 any information that would indicate that the UBB
23 longwall was down at any time, not operating, during
24 the dayshift of April the 5th?

25 A. No.

1 Q. Okay.

2 ATTORNEY WILSON:

3 John?

4 EXAMINATION

5 BY MR. GODSEY:

6 Q. Your last shift there that you all were using
7 torches and cutting up there, ---

8 A. Yes.

9 Q. --- was there any major problems you all had that
10 night?

11 A. No.

12 Q. Had there been any ongoing problems they've had
13 that keeps recurring?

14 A. No.

15 Q. And did you ever take any methane that night you
16 said?

17 A. No.

18 Q. What was your first day you were assigned at UBB?

19 A. I think the 24th of February.

20 Q. And what was your first job assignment?

21 A. A shield technician.

22 Q. And what areas of the mine did you visit on your
23 first day?

24 A. They showed me all the escapeways. And after
25 that, I went --- we went to the longwall.

1 Q. And did you receive any training prior to going to
2 UBB?

3 A. You mean like my 80-hour class?

4 Q. Yeah, training.

5 A. Yeah.

6 Q. Who gave you that?

7 A. Triangle Safety in Pineville, West Virginia.

8 Q. Did UBB give you any training?

9 A. No. I had the MIT training, like Massey initial
10 training.

11 Q. And who did you say your supervisor was?

12 A. Steve Gration.

13 Q. Now, Steve, he was an electrical man; correct?

14 A. Yeah.

15 Q. Who was his --- who was the boss on the section?

16 A. Who was the boss on the section?

17 Q. On the longwall.

18 A. That would be Shannon Dickens or Robert Hill.

19 Q. Were they up there every night or did they switch
20 around?

21 A. No. It was like the only time they both worked
22 together was on like a night when both crews --- like
23 if we had a big job to do, like A Crew and B Crew was
24 there working.

25 Q. Have you participated in evacuation drills or

1 training?

2 A. No, I didn't.

3 Q. You said you traveled --- when's the last time you
4 traveled the primary escapeway?

5 A. Where, at UBB?

6 Q. Yeah. Everything I'm asking you is at UBB.

7 A. The first time I was there, the first day.

8 Q. February?

9 A. Yeah, February.

10 Q. How many miners are assigned to work on the
11 longwall on your shift?

12 A. During my shift?

13 Q. Yes.

14 A. Let's see. There was me, Steve, Tracy. I'd say
15 around nine or ten.

16 Q. And what portal did you all enter?

17 A. UBB South.

18 Q. Did all the longwall enter that?

19 A. No. Some of --- like the foreman I told him that
20 made the air readings and methane checks, he portalled
21 at Ellis.

22 Q. And how long does it take to get to the section
23 from UBB Portal? How long does it take ---?

24 A. From UBB South or Ellis?

25 Q. South. Not Ellis, South.

1 A. About an hour. Anywhere between an hour, an hour
2 and five minutes.

3 Q. How does the rock dusting stuff appear?

4 A. It's white.

5 Q. Pretty thick?

6 A. Yeah, it's thick.

7 Q. Okay. You all traveled through man doors?

8 A. Yeah.

9 Q. Equipment doors, not man doors. Did you have
10 any --- did you ever find those doors left open?

11 A. No. No, they never was left open, but there was a
12 lot of 'em.

13 Q. Did you ever hear anybody talking about finding
14 some left open?

15 A. No.

16 Q. What condition are they in? Damaged any?

17 A. Some of them like towards the end, towards ---
18 more towards the longwall, they put new ones in
19 because they was damaged, some of them was.

20 Q. Did they have a lot of leakage?

21 A. No.

22 Q. Do they fix 'em ---?

23 A. Oh, yeah. Yeah. They was --- like if we noticed
24 that we --- that's like we did call outside for that,
25 and they fixed it.

1 Q. Well, during your shift, did you ever notice that
2 the air would fluctuate any for a short period of
3 time, for a long period of time?

4 A. No.

5 Q. From the end of the track to the longwall face,
6 approximately how many crosscuts is it?

7 A. I'd say anywhere between five and eight, probably.

8 Q. And when you go up to the --- when you go out on a
9 section, what is usually the first thing that you do?

10 A. Go to the toolbox and get my tools.

11 Q. And then do you ever go up to the headgate and
12 check --- look at the curtains across the headgate
13 that directs the air across the longwall face?

14 A. No, but I seen 'em there.

15 Q. Have you ever been up to 'em?

16 A. Yeah.

17 Q. Have you ever noticed how much air travels through
18 there or how much pressure is on those curtains?

19 A. Uh-uh (no). No, I really haven't noticed.

20 Q. Have you ever heard of any problem that they've
21 had behind the headgate there?

22 A. Uh-uh (no).

23 Q. Water or anything like that?

24 A. No. I mean, there's water.

25 Q. How much water?

1 A. I'd say it was over your foot, some places.

2 Q. Over what?

3 A. I'd say it was over your foot, over your boot.

4 Q. Okay. What's the roof and the rib and the floor
5 like on the longwall?

6 A. Like if I was underneath the shield, you'd hear
7 rocks falling all the time. The roof wasn't that good
8 at all. But I don't know how the floor was.

9 Q. What about the travelway, from the end of the
10 track to the longwall?

11 A. Oh, it was good.

12 Q. Do you ever visit the tailgate any?

13 A. Yeah.

14 Q. What condition ---?

15 A. Towards the tailgate, the roof wasn't that good at
16 all. It was like worse than it was towards the
17 headgate.

18 Q. Do you notice any time that the tailgate was
19 blocked by a roof fall?

20 A. No.

21 Q. Have you ever heard of anybody talking ---?

22 A. No.

23 Q. Did they train you in what would happen if it did
24 --- the tailgate did block?

25 A. No.

1 Q. Did you notice which way the air was traveling on
2 the belt? Was it traveling towards the longwall face
3 the last night you worked, or away from it?

4 A. What do you mean, like ---?

5 Q. Was it coming inby, towards the face?

6 A. Yeah.

7 Q. Or was it going outby?

8 A. Like if I was on the longwall ---.

9 Q. If you was at the headgate, which way would the
10 belt air travel?

11 A. Oh, it was going --- it was going like towards the
12 tailgate.

13 Q. No, sir. Coming outby the headgate, ---

14 A. Okay.

15 Q. --- which way was the air traveling on the
16 beltline? Do you know?

17 A. I don't know. I don't know that.

18 Q. Okay. You said a while ago --- how much methane
19 did you ever see that was ---?

20 A. I didn't see any.

21 Q. And what about floor gas?

22 A. No.

23 Q. Has any other shift talked to you about ---

24 A. No.

25 Q. --- getting any? And how about --- ever have

1 water on the section? Did you have water on the
2 walkway besides the pan line?

3 A. Yeah. It was more towards the tail. There was a
4 lot of water.

5 Q. Did they have any pumps over there?

6 A. Yeah.

7 Q. About how many pumps did they have?

8 A. I don't know.

9 Q. How far from the tail back towards the head, how
10 much water?

11 A. It was only maybe six shields.

12 Q. Do you know how deep it was?

13 A. Sometimes it was over your boots. Sometimes it
14 was halfway up your leg.

15 Q. Do you know where the water was coming from?

16 A. No.

17 Q. Did any come from the roof?

18 A. No.

19 Q. Do you know how much rock they are cutting on the
20 longwall?

21 A. No, I don't know that.

22 Q. Taking bottom and top?

23 A. Yeah, they took bottom and top, that I know of.

24 Q. Have you ever heard of 'em having an ignition or
25 any kind of face pops or anything while they were

1 mining up there?

2 A. No.

3 Q. Could you tell if one shift mines more rock than
4 the other?

5 A. Yeah.

6 Q. Which shift?

7 A. I don't know. They swing shift, so I'm not for
8 sure.

9 Q. Okay. And the gob behind the shields, does it
10 stay pretty tight, fall in, hang any?

11 A. Yeah, it would fall on the ground.

12 Q. Falls pretty quick?

13 A. Yeah.

14 Q. And how many methane monitors are on the longwall?

15 A. There's --- there was --- they had one at the
16 headgate, tailgate, one at the computer I was telling
17 him about where we check the faults and on the
18 shearer.

19 Q. Could you detect how much pressure was on the
20 shields?

21 A. No.

22 Q. You didn't have any way of ---?

23 A. I think it was like 4,000 pounds.

24 Q. But did you have a read-out there, a total?

25 A. Yeah, just a gauge on each one of the legs, jack

1 legs.

2 Q. Was it showing any extra that night, your last
3 shift, than what it had been previously?

4 A. No.

5 Q. How much of the ventilation plan was reviewed with
6 you before you started?

7 A. I'm not for sure.

8 Q. Did they review ---?

9 A. Yeah, they did. I mean, I'm not for sure how
10 much.

11 Q. And you said about the air. Did anybody talk to
12 you about having ventilation problems on the other
13 sections?

14 A. Yeah.

15 Q. Which sections were they?

16 A. I'm not sure of the numbers. They just said the
17 continuous mining sections.

18 Q. What problems were they having, did they say?

19 A. I think they said the air was flowing the wrong
20 way on the miner sections.

21 Q. On just one of 'em or ---?

22 A. I'm not for sure.

23 Q. And in March you were there, I think?

24 A. Uh-huh (yes).

25 Q. And you said that you maybe missed a couple, three

1 shifts, because of a ---

2 A. Ventilation.

3 Q. --- problem with ventilation?

4 A. Yeah.

5 Q. Prior to the ventilation changes, how was the air

6 --- how much air do you think ---? Was it a lot of

7 air going across the longwall face?

8 A. Oh, yeah. Like I said, you could spit and it

9 would go out --- it would go sideways.

10 Q. Now, after this change, how did it do?

11 A. It was --- it felt the same to me.

12 Q. You didn't see any changes?

13 A. No. It felt pretty much the same.

14 Q. Do you know ---? So you were down on the

15 tailgate. Do you know which way the air was traveling

16 on the tailgate?

17 A. Yeah. It was going like outby the tail.

18 Q. Was it going outby? Was any going inby, toward

19 the back end?

20 A. No.

21 Q. Have you ever discussed any safety concerns with

22 your supervisor or anything?

23 A. No.

24 Q. Do you know of anybody that has?

25 A. No.

1 Q. Have you ever called --- or do you know about
2 Massey's 800 number?

3 A. No.

4 Q. You've never been instructed ---?

5 A. I mean, I've seen it like on videos, but I never
6 called it or anything.

7 Q. What about MSHA's hotline?

8 A. I never called it either.

9 Q. Do you know if anybody that ---?

10 A. No.

11 Q. Have you ever been told not to report an accident?

12 A. No.

13 Q. Have you ever been injured at the mine?

14 A. No.

15 Q. Do you know anybody that has been?

16 A. No.

17 Q. Are you aware of any time that the mine had to be
18 evacuated?

19 A. Yeah, when the fan outside, the motor caught on
20 fire.

21 Q. Any other than that?

22 A. No.

23 Q. Has a section foreman ever stopped you all because
24 of a safety concern or something that happened during
25 your shift that he pulled you maybe out of the pan

1 line?

2 A. No.

3 Q. And you all --- was any mining done on the
4 Saturday before the 3rd, April 3rd, ---

5 A. No, I don't think so.

6 Q. --- that you're aware of?

7 A. No, not that I'm aware of.

8 Q. Did you have any concerns with the way anything
9 --- the air traveled or any of the methane, the
10 ventilation at the mine?

11 A. No.

12 Q. Were you aware of the airlock doors installed
13 between the headgate and the 22 Tailgate, the set of
14 airlock doors?

15 A. Like as we drive through?

16 Q. Yeah. You all, like you could actually go
17 from --- from your headgate go through the airlock
18 doors and go into the 22 Tailgate section?

19 A. Oh, no.

20 Q. Have you ever --- when did you visit last the
21 Glory Hole?

22 A. I never went to the Glory Hole.

23 Q. How do you feel that UBB management --- how do
24 they feel towards production and safety?

25 A. Well, they're pretty strict on it.

1 Q. Have you ever been concerned about going
2 underground?

3 A. No.

4 Q. Do you know anybody that's ever mentioned to you
5 any concerns or afraid to work a shift?

6 A. No.

7 Q. Has MSHA inspectors or State inspectors ever been
8 on your shift when ---?

9 A. Yes.

10 Q. Did you know they were coming?

11 A. Uh-uh (no). No.

12 Q. Has anyone ever before notified that there was an
13 inspector on the way underground?

14 A. No.

15 Q. Did you ever talk to ---?

16 A. Yeah.

17 Q. Did you ever talk to him about any problems ---
18 any concerns you had?

19 A. No.

20 Q. Did he ever --- did you ever ask him about plans
21 or any things you were questioning?

22 A. No.

23 Q. Did they say anything to you for talking to an
24 inspector?

25 A. No.

1 Q. What kind of impression did you have on UBB, the
2 management?

3 A. They was all nice and they was good. I liked 'em.

4 Q. Could you talk to any one of 'em?

5 A. Yes.

6 Q. Who all did you talk to?

7 A. I talked to --- I really don't know their names,
8 but I --- because there was so many people working
9 there, but I talked to everybody there, and they was
10 all nice.

11 Q. Is there anything else that you think that you
12 know that you could tell us about that happened on the
13 longwall, something that you may have found in the
14 past or heard in the past that --- some kind of a
15 problem that they've had that could reoccur or ---?

16 A. No.

17 Q. Where were you at the --- at the time of the
18 accident you were home, I assume?

19 A. Yes.

20 Q. When did you hear about it?

21 A. As soon as it happened, my mom woke me up. I
22 thought she was lying when she said it. And she said,
23 no, it's really your mines. And I started watching
24 the news from there.

25 Q. Did that surprise you it did happen?

1 A. Yeah.

2 Q. Did you ever see --- or did you all ever do any
3 blasting on the face?

4 A. None that I know of.

5 Q. Okay. And did you work --- did you come to work
6 any time during the recovery? After April 5th, did
7 you come ---?

8 A. I come to clean out my locker and my basket.

9 Q. Do you know what day that was?

10 A. No.

11 ATTORNEY WILSON:

12 Davitt?

13 EXAMINATION

14 BY ATTORNEY MCATEER:

15 Q. I get a chance to ask a few questions. I'll try
16 not to be repetitive. You said your mom woke you up
17 and you were surprised?

18 A. Yeah.

19 Q. Because?

20 A. That was my mine.

21 Q. Uh-huh (yes). And you've been there a few minutes
22 before that?

23 A. Yeah. I was like, hey, I just worked the shift
24 prior to that. That could have been me. That's what
25 I thought.

1 Q. Okay. How did you come out of the mine that
2 morning?

3 A. On a mantrip.

4 Q. Mantrip?

5 A. Yes.

6 Q. Who was with you?

7 A. My whole crew.

8 Q. What were you talking about?

9 A. Shannon Dickens, Robert Hill ---.

10 Q. No. I said what were you talking about?

11 A. Oh, what were we talking about? I really can't
12 remember. Probably just glad to get off work.

13 Q. I'm sure you get a paycheck for doing this at that
14 mine. Where did the paycheck come from?

15 A. David Stanley Consultants.

16 Q. Uh-huh (yes). And was there any supervisor from
17 David Stanley Consultants ---

18 A. No.

19 Q. --- that came out and looked over your activities?

20 A. No.

21 Q. You said if you spit, you could see it fly
22 sideways. Did you ever try that?

23 A. Yeah.

24 Q. Did it fly sideways?

25 A. Yeah, it flew --- flew sideways. That's the

1 reason I said that is because like, well, I chew
2 snuff, and every time I'd spit, I mean, it would just
3 fly right out.

4 Q. You said you've been up to the tailgate. Do you
5 have any idea when that was or ---?

6 A. Well, I only usually went up there if like some of
7 the shields up there were messed up.

8 Q. Right.

9 A. We'd work on 'em up there. Or if we was like
10 taking slack out of the chain on the longwall, just
11 stuff like that.

12 Q. Sure. And you said the conditions were worse up
13 there?

14 A. Yeah. It was more --- more wet and it was more
15 low. Like the shields were lower there, towards the
16 tailgate.

17 Q. Anything else you remember on it?

18 A. Uh-uh (no).

19 Q. You kept your tools up at the headgate?

20 A. Outby the headgate.

21 Q. Outby the headgate. You said you went through a
22 lot of doors. How many doors did you go through?

23 A. I'd say there was anywhere between 12 and 16 doors
24 in that mine.

25 Q. How did you go through 'em?

1 A. How did I go through 'em? We'd stop, get out,
2 open 'em, close 'em, after we went through.

3 Q. Did you ever have to get out?

4 A. Yeah.

5 Q. You was the man?

6 A. Oh, yeah. That was pretty much my job on the way
7 in and out.

8 Q. Some things will never change.

9 A. Yeah.

10 Q. You said there were two crews working on the night
11 of the disaster. Was there two --- was there an A and
12 B crew in that night?

13 A. I'm not for sure if we had a late night that night
14 or not. I don't --- I don't think. Well, yeah,
15 actually there was, because we had to change some ---
16 I think it's called cow arm on the shearer, which I
17 didn't help, but the guys that took care of the
18 shearer done that.

19 Q. I missed the word. Cow arms?

20 A. Yeah, cow arms for the cow blade.

21 Q. All right. But that wouldn't have been where you
22 were working?

23 A. No.

24 Q. Where would that have been?

25 A. Where they was working?

1 Q. Yeah.

2 A. It was on the shearer.

3 Q. You said there was welding that night. Do you
4 remember what time that was?

5 A. No, I really don't.

6 Q. Toward the beginning? Toward the end?

7 A. It was toward the beginning and towards the
8 middle, too.

9 Q. Okay.

10 A. It didn't take 'em all night to finish welding.

11 Q. Okay. You've said that --- your training, that
12 was 80 hours for --- you took the 80-hour course at
13 Triangle Safety?

14 A. Yeah.

15 Q. Who paid for that?

16 A. I did.

17 Q. And I think you said there was some other
18 training, the Massey ---?

19 A. Yeah, MIT training.

20 Q. MIT. Tell me what that's about.

21 A. It just tells you about the Massey mines and what
22 they require of you, like their safety stuff.

23 Q. So that would have been say the 24th, ---

24 A. Yeah.

25 Q. --- when you went?

1 A. Uh-huh (yes).

2 Q. The 24th is a Wednesday in March.

3 A. Yes. I started in the middle of the week.

4 Q. Did you?

5 A. Yeah.

6 ATTORNEY WILSON:

7 I think it was February.

8 A. Yeah, February.

9 BY ATTORNEY MCATEER:

10 Q. You started ---.

11 A. I started ---.

12 Q. I'm sorry. You're right. Was that February? My
13 apologies. Still a Wednesday, though?

14 A. Yeah.

15 Q. Okay. And did you --- how many days of training
16 or how many days before you went --- got on the job?

17 A. Oh, it just --- it's only, I think, an eight-hour
18 class, the MIT training is.

19 Q. The MIT?

20 A. Yeah.

21 Q. Who conducted that?

22 A. Jackie Stover.

23 Q. I must commend your memory of names. The four
24 people on this side --- five people on this side
25 wouldn't have that same memory.

1 A. Yeah.

2 Q. You're doing well. How did you --- did you talk
3 to anybody before you came to this testimony?

4 A. Uh-uh (no).

5 Q. No?

6 A. Uh-uh (no).

7 Q. How did you come to get to David Stanley?

8 A. Just my dad, he's an electrician at Slip Ridge,
9 and I --- I was getting tired of my old job, so I just
10 wanted to go underground.

11 Q. Your dad is an electrician at what plant?

12 A. Slip Ridge.

13 Q. Whose company is that?

14 A. Massey. Marfork.

15 Q. Oh, it's Marfork?

16 A. Yeah.

17 Q. And so tell me how you got ahold of David Stanley?

18 A. My sister's boyfriend told me about 'em because he
19 got a job, and he told me to go talk to 'em, so I did.

20 Q. Where is their office?

21 A. In Beckley.

22 Q. Whereabouts?

23 A. It's on Harper Road.

24 Q. Who did you talk to there?

25 A. Beth. I'm not for sure of her last name.

1 Q. And then do you remember when that was?

2 A. No. It was after I took my 80-hour class.

3 Q. Oh, after your 80-hour class?

4 A. No. It was during --- while I was taking it. And
5 then as soon as --- they went ahead and let me fill
6 out an application. And then as soon as it was --- as
7 soon as my 80-hour course was finished, I called 'em.
8 And then the very next day they called me and told me
9 to report to work.

10 Q. So that would have been the 23rd of February?

11 A. Yeah.

12 Q. You reported to?

13 A. Yeah, I reported to work at UBB.

14 Q. At UBB?

15 A. Yeah.

16 Q. You said that there are three events --- on three
17 occasions you had to go home.

18 A. Yeah.

19 Q. And they were --- they obviously would have had to
20 have been in March.

21 A. Yeah.

22 Q. But do you remember the first of March, the middle
23 of March?

24 A. No, I really don't remember. I think it was like
25 towards the first of March. And then the outside fan

1 caught on fire, I think, towards the middle.

2 Q. Okay. Do you remember days, Friday, Saturday,
3 Sunday?

4 A. No.

5 Q. The fellow, Steve Grattan, is it ---

6 A. Gration (corrects pronunciation).

7 Q. --- Gration, ---

8 A. Yeah.

9 Q. --- that you're working with, is he a pretty good
10 trainer?

11 A. Oh, yeah. Uh-huh (yes). I'd actually rather work
12 with my old crew than I would with my crew that I work
13 with now.

14 Q. Is that right?

15 A. Yeah.

16 Q. Do you file any kind of papers on your hours or
17 anything like that or is that just kept by ---?

18 A. That's just kept by them. At UBB, no, I didn't.
19 No. Steve Gration took care of my hours.

20 Q. Okay. Is he back working, do you know?

21 A. Yeah.

22 Q. Were you given any paperwork by Massey about UBB?

23 A. No. I don't think so.

24 Q. Are you given the paperwork by David Stanley?

25 A. Yeah.

1 Q. When you first went underground, did you receive
2 training, safety training, underground?

3 A. Yeah. They showed me the escapeways, the intake
4 and everything.

5 Q. How long did it take?

6 A. It took a pretty good while because, like I said,
7 it took us an hour, ---

8 Q. Sure.

9 A. --- an hour and five minutes to get to the
10 longwall. And it's even longer walking.

11 Q. Okay.

12 ATTORNEY MCATEER:

13 That's all the questions I have, Blake.

14 A. Okay.

15 ATTORNEY WILSON:

16 Terry, any follow-up?

17 MR. FARLEY:

18 A couple.

19 RE-EXAMINATION

20 BY MR. FARLEY:

21 Q. Did David Stanley hire you to be a shield
22 technician?

23 A. When I first got with David Stanley, I thought ---
24 I didn't think I was going to UBB. I thought I was
25 going to Slip Ridge, where my dad was. And all the

1 positions was filled, so they told me that I couldn't
2 go to Slip Ridge and they told me UBB. And they said
3 --- when I got there at David Stanley, they said that
4 that --- Beth, she told me, she said, it looks like
5 you're going to be a shield tech. And I didn't even
6 know what a shield tech was. And she said, do you do
7 any type of welding? I said, yeah, which I'm
8 certified in welding. And I never welded once while I
9 was there, so --- the only thing I know is shield
10 work.

11 Q. My next question was going to be, have you had any
12 technical training other than ---

13 A. Yeah.

14 Q. --- other than the welding and the Miner's
15 Certificate?

16 A. Just my surface card.

17 Q. What about computers?

18 A. No. Not on computers. I mean, I know about
19 computers, but, no, I'm not certified or anything.

20 Q. Sounds like if you're going to be a red hat, being
21 a shield technician would be a lot more fun than
22 shoveling belts.

23 A. Oh, yeah. Yeah. Everybody I talked to, they say
24 I'm the luckiest red hat they ever met.

25 Q. Okay.

1 A. Because where I work now, I'm a welding mechanic.
2 As soon as I get my black hat, I'm going to the
3 electrical program.

4 Q. Do you feel like it's been a good learning
5 experience?

6 A. Yeah.

7 RE-EXAMINATION

8 BY MR. GODSEY:

9 Q. On the end of the track, we were talking about
10 earlier to the longwall, is it wet, the floor wet?

11 A. No. No, it's dry.

12 Q. What about the headgate?

13 A. The headgate, yeah, sometimes it was wet.

14 Q. What about near the --- like the headgate, when
15 you go across the first shield?

16 A. Yeah, it's wet.

17 Q. Okay. How much water? Do you know if it's just
18 damp or ---?

19 A. No, there was a lot of water. Sometimes --- I
20 mean, sometimes you'd step in a hole and you'd ---.

21 Q. We talked earlier about going over --- you said
22 you were near the tailgate or so?

23 A. Yeah.

24 Q. Did you get a look at any of the cribs or stuff in
25 that area?

1 A. Like outby the ---?

2 Q. Yeah.

3 A. Yeah. They had sand jacks set in, cribs.

4 Q. What was the condition of these? Show much weight
5 on 'em?

6 A. No.

7 Q. Okay. Did you know --- what would management do
8 to any of the miners if they was to raise safety
9 concerns? Would they ---?

10 A. I'm sure they'd say something, but nobody on my
11 shift ever ---.

12 Q. Do you know if anybody ever did?

13 A. Uh-uh (no). No.

14 ATTORNEY WILSON:

15 Okay. Let's go off the record.

16 SHORT BREAK TAKEN

17 EXAMINATION

18 BY ATTORNEY WILSON:

19 Q. When you said that there were two times ---?

20 A. I left early two or three times. I left early
21 four times. The fourth time --- or the third or
22 fourth time was because of the fan. But I know it was
23 either two or three times I left over ventilation.

24 And the ventilation, I didn't say the 1st of March.

25 It was the first part of March.

1 MR. GODSEY:

2 It would have been like around the 9th of
3 March?

4 A. Yeah. It was like the first part of March.

5 OFF RECORD DISCUSSION

6 ATTORNEY WILSON:

7 Let's go back on. All right. John?

8 RE-EXAMINATION

9 BY MR. GODSEY:

10 Q. Have you ever discussed with any --- on the other
11 sections with people any concerns that --- on the
12 other sections, that they had problems with safety
13 problems or health problems?

14 A. No.

15 Q. Okay. Let's go back. We talked about some ---
16 you were sent home when you arrived because of
17 ventilation problems.

18 A. Right.

19 Q. Now, how many times were you sent home for
20 ventilation problems?

21 A. Two or three.

22 Q. Two or three?

23 A. Yeah.

24 Q. And what was the other time that you said you
25 were ---?

1 A. The fan motor caught on fire outside.

2 Q. And you was where?

3 A. Well, I was at the longwall when it happened.

4 Q. Okay. If a miner was to make a complaint to

5 management or something, would there be any

6 retaliation against him?

7 A. I'm not for sure. I never had anybody complain to

8 a manager or management in front of me.

9 ATTORNEY WILSON:

10 Davitt?

11 RE-EXAMINATION

12 BY ATTORNEY MCATEER:

13 Q. Blake, when you were sent home those times, would

14 you still get paid?

15 A. Yeah.

16 Q. And since you've been at the mine on the 24th of

17 February, has anybody --- have you had any contact

18 with David Stanley Company?

19 A. No. That was --- no. Like I called and asked

20 them if they had any other jobs for me, and they said

21 no. I said, well, I need another one or I'm going to

22 have to go get unemployment. And they said, no, not

23 at this time. So I had to go find a different job on

24 my own.

25 Q. Oh, that's the job that you have now?

1 A. Yeah. I had to actually contact Slip Ridge myself
2 instead of David Stanley.

3 Q. Are you a contractor for David Stanley ---?

4 A. Still yet, yeah.

5 Q. How did you come to get that job at Slip Ridge?

6 A. I guess my dad helped me out a lot.

7 Q. Well, that's good.

8 A. Yeah.

9 Q. But I mean, you said you contacted David Stanley,
10 but that didn't get you anywhere, so you --- did you
11 go to Slip Ridge Mine office?

12 A. Yeah, I did.

13 Q. And do you remember when that was or ---?

14 A. No, I really don't.

15 Q. Okay. And did you fill a form out there or ---?

16 A. No. They went over the mine map with me and
17 stuff, and the first night I walked out the intake.
18 But no, I didn't fill out any papers.

19 Q. And did they say they would take care of
20 contacting David Stanley or ---?

21 A. With what? With my hours or anything?

22 Q. Yeah.

23 A. Yeah. Yeah, they turned my hours into David
24 Stanley.

25 Q. Did you get a piece of paper from them?

1 A. From David Stanley?

2 Q. From either David Stanley or Slip Ridge.

3 A. No. Like when I first went to David Stanley,
4 before I went to UBB, I got all my paperwork from
5 them, my employee handbook, State law, underground
6 State laws and stuff.

7 Q. But in the Slip Ridge case, ---?

8 A. No, they didn't reissue me any papers.

9 Q. Did Slip Ridge give you any papers?

10 A. No.

11 Q. And I know I asked you before one other time, and
12 if you can't remember, you can't remember. If you
13 went in on the last day of the --- before the
14 explosion, you went in at 11:00 and came out in the
15 morning, what would roughly be the time you think they
16 were loading, just the hour, generally speaking?

17 A. Anywhere between 12:30 and three o'clock in the
18 morning.

19 Q. So three o'clock --- you put sort of three o'clock
20 at the end of ---?

21 A. Yeah.

22 ATTORNEY MCATEER:

23 Okay. That's all I have.

24 ATTORNEY WILSON:

25 Terry?

1 MR. FARLEY:

2 Nothing.

3 ATTORNEY WILSON:

4 Mr. Acord, on behalf of MSHA and the
5 Office of Miners' Health, Safety and Training, I want
6 to thank you for appearing and answering questions
7 here today. Your cooperation is very important to the
8 investigation as we work to determine the cause of the
9 accident. We will be interviewing other people, so we
10 require that you not discuss your testimony with
11 anyone. After questioning other witnesses, we may
12 call you if we have any follow-up questions that we
13 feel we need to ask.

14 A. Okay.

15 ATTORNEY WILSON:

16 If at any time you think that you have
17 additional information that would be helpful, please
18 contact us at the contact number that was provided to
19 you in the letter.

20 A. Okay.

21 ATTORNEY WILSON:

22 Before we go off the record, I want to
23 give you an opportunity if there's anything that you
24 want to say or if there's any other additional
25 information that you would like to provide to us, you

1 can do that at this time.

2 A. I have nothing else.

3 ATTORNEY WILSON:

4 All right. Then if there's nothing else,
5 again, I want to thank you for your cooperation in
6 this matter, and we'll go off the record.

7

8 * * * * *

9 STATEMENT UNDER OATH CONCLUDED AT 2:17 P.M.

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1 STATE OF WEST VIRGINIA)

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CERTIFICATE

I, Brett Steele, 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.



Brett Steele