

01 STATEMENT UNDER OATH
02 OF
03 HARLEY JOE RYAN

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05
06 Taken pursuant to Notice by Miranda
07 D. Elkins, a Court Reporter and
08 Notary Public in and for the State of
09 West Virginia, at United States
10 District Court, 500 West Pike Street,
11 Clarksburg, West Virginia, on
12 Thursday, January 26, 2006, at 12:44
13 p. m.

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01

I N D E X

02

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04 WITNESS: HARLEY JOE RYAN

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NUMBER DESCRIPTION IDENTIFIED

NONE OFFERED

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01 P R O C E E D I N G S

02 -----

03 MR. SWENTOSKY:

04 My name is Dennis

05 Swentosky. I am an accident

06 investigator with the Mine

07 Safety & Health
08 Administration, an agency of
09 the United States Department
10 of Labor. With me is Bob
11 Wilson, from the Solicitor's
12 Office, and Brian Mills with
13 the West Virginia Office of
14 Miners' Health, Safety &
15 Training. I've been assigned
16 to conduct an investigation
17 into the accident that
18 occurred at the Sago Mine on
19 January 2nd, 2006, in which 12
20 miners died and one was
21 injured.

22 The investigation is
23 being conducted by MSHA and
24 the West Virginia Office of
25 Miners' Health, Safety &

9

01 Training to gather the
02 information to determine the
03 cause of the accident, and
04 these interviews are an
05 important part of that
06 investigation.

07 At this time, the
08 accident investigation team
09 intends to interview a number
10 of people to discuss anything
11 that may be relevant to the

12 cause of the accident. After
13 the investigation is
14 completed, MSHA will issue a
15 written report, detailing the
16 nature and the causes of the
17 accident.

18 MSHA accident reports
19 are made available to the
20 public in the hope that a
21 greater awareness about the
22 causes of accidents can reduce
23 their occurrence in the
24 future. Information obtained
25 through these witness

10

01 interviews is frequently
02 included in these reports.
03 Your statement may also be
04 used in other enforcement
05 proceedings.

06 I would like to thank
07 you in advance for your
08 appearance here today. We
09 appreciate your assistance in
10 this investigation. The
11 willingness of miners and mine
12 operators to work with us is
13 critical to our goal of making
14 the nation's mines safer.

15 We understand the
16 difficulty for you in
17 discussing the events that

18 took place, and we greatly
19 appreciate your efforts to
20 help us understand what
21 happened.

22 This interview with Mr.
23 Joe Ryan is being conducted
24 under Section 103(a) of the
25 Federal Mine Health & Health

11

01 Act of 1977 as part of an
02 investigation by the Mine
03 Safety & Health Administration
04 and the West Virginia Office
05 of Miners' Health, Safety &
06 Training into the conditions,
07 events and circumstances
08 surrounding the fatalities
09 that occurred at the Sago
10 Mine, owned by the
11 International Coal Group, in
12 Buckhannon, West Virginia, on
13 January 2nd, 2006.

14 This interview is being
15 conducted at the Federal
16 District Courthouse in
17 Clarksburg, West Virginia, on
18 January 26th, 2006.

19 Questioning will be
20 conducted by representatives
21 of MSHA and the Office of
22 Miners' Health, Safety &

23 Trai ni ng.

24 Mr. Ryan, the i ntervi ew
25 will begi n by my asking you a

12

01 series of questi ons. If you
02 do not understand a questi on,
03 please ask me to rephrase i t.
04 Feel free at any time to
05 clari fy any statements that
06 you make i n response to these
07 questi ons.

08 After we have fi ni shed
09 asking questi ons, you will
10 also have an opportuni ty to
11 make a statement. And i f at
12 any time after the i ntervi ew
13 you recall any addi ti onal
14 i nformati on that you believe
15 may be useful i n the
16 i nvesti gati on, please contact
17 Ri chard Gates at the phone
18 number or e-mai l address
19 provi ded to you. And here' s a
20 busi ness card wi th Mr. Gates'
21 phone number and e-mai l
22 address.

23 Your statement i s
24 complet ely vol untary. You may
25 refuse to answer any questi on,

13

01 and you may termi nate your
02 i ntervi ew at any time. If you
Page 10

03 need a break for any reason,
04 just ask me.
05 A court reporter will
06 record your interview and will
07 later produce a written
08 transcript of the interview.
09 Please try to respond to all
10 questions verbally since the
11 court reporter cannot record
12 nonverbal responses. Also,
13 please try to keep your voice
14 up. Copies of the written
15 transcripts will be made
16 available at a later date.
17 And that would be upon the
18 completion of the
19 investigation.
20 If any part of your
21 statement is based not on your
22 own first-hand knowledge but
23 on information that you
24 learned from someone else,
25 please let us know. Please

14

01 answer each question as fully
02 as you can, including any
03 information you have learned
04 from someone else.
05 We may not ask you the
06 right questions to learn the
07 information you have, so do

08 not feel limited by the
09 precise question that we ask.
10 If you have any information
11 about the subject area of the
12 question, please provide us
13 with that information.

14 At this time, Mr.
15 Mills, do you have anything
16 that you would like to add on
17 behalf of the West Virginia
18 Office of Health Safety &
19 Training?

20 MR. MILLS:

21 Mr. Ryan, the West
22 Virginia Office of Miners'
23 Health, Safety & Training is
24 conducting this interview
25 session jointly with MSHA and

15

01 are in agreement with the
02 procedures outlined by Mr.
03 Swentosky for these interviews
04 that will be conducted here
05 today.

06 But the Director
07 reserves the right, if
08 necessary, to call or subpoena
09 witnesses or require the
10 production of any record,
11 document, photograph or other
12 relevant materials necessary
13 to conduct this investigation.

14 MR. SWENTOSKY:
15 Mr. Ryan, you are
16 permitted to have a
17 representative with you during
18 the interview, and you may
19 consult with your
20 representative at any time.
21 You may designate any person
22 to be your representative. Do
23 you have a representative with
24 you today?

25 MR. RYAN:

16

01 No.

02 MR. SWENTOSKY:

03 Do you have any
04 questions regarding the manner
05 in which the interview will be
06 conducted at this time?

07 MR. RYAN:

08 No.

09 MR. SWENTOSKY:

10 Could you swear the
11 witness in, please?

12 -----

13 HARLEY JOE RYAN, HAVING FIRST BEEN
14 DULY SWORN, TESTIFIED AS FOLLOWS:

15 -----

16 BY MR. SWENTOSKY:

17 Q. Mr. Ryan, could you state your
18 full name and spell your last name

19 for us, please?

20 A. Harley Joe Ryan, R-Y-A-N.

21 Q. Could you provide us with your
22 address and telephone number, please?

23 A. HC31, Box 197, Buckhannon,
24 West Virginia.

25 Q. Are you appearing here today

17

01 voluntarily?

02 A. Yes, sir.

03 Q. Could you provide us with your
04 phone number?

05 A. 472-7943.

06 Q. How many years of mining
07 experience do you have?

08 A. Thirty-three (33).

09 Q. Could you give us a brief
10 description of that experience?

11 A. I went to work for Peabody
12 Coal Company in 1974. Worked for
13 them for five to six years, then I
14 went to Badger Coal Company. Worked
15 for them for five or six years. And
16 then the rest of the time I've been
17 with small non-union mines scattered
18 all over northeastern West Virginia,
19 mostly as a roof bolter.

20 Q. How much time have you spent
21 at the Sago Mine?

22 A. Two years, this time. When
23 Paul Tenney owned it before, I was
24 there with him for six months.

25 Q. And approximately what

18

01 timetable was that in?

02 A. That I can't answer. I

03 couldn't --- if I tried to figure it,

04 I couldn't figure it up in my head.

05 Had to be --- 2006, 4. 2002 would be

06 close. Six months in 2002, and I've

07 been with this company since they

08 opened it up in 2004.

09 Q. What is your present position?

10 A. Roof bolter.

11 Q. Roof bolter. And did you hold

12 the same position on the day of the

13 accident?

14 A. Yes, sir.

15 Q. What would your duties have

16 been on that day of the accident?

17 A. If we had made it to the

18 section, I would have been roof

19 bolting all day.

20 Q. And how long have you worked

21 in the same position as a roof

22 bolter?

23 A. All the time with this

24 company.

25 Q. All the time with this

19

01 company, okay. So then you haven't

02 held any other positions during that

03 period of time?

04 A. No.

05 Q. Did you ever help out on

06 anything or differently than ---?

07 A. Yes, sir. I've helped handle

08 the miner cable. I've helped set the

09 feeders, put in part of the belt

10 line, put in part of the track, built

11 stoppings, set pumps and pumped

12 water. Just a little bit of

13 everything.

14 Q. Do you have any mining

15 certification?

16 A. Just a belt examiner's card.

17 Q. Belt examiner. What do you

18 examine, just the belts or ---?

19 A. That's my understanding is

20 what it would be. The company I

21 worked for several years ago wanted

22 everybody to get different cards.

23 And we went in and took the class and

24 I got the belt examiner's card. I

25 have never used it. I've got it, but

01 I've never used it.

02 Q. So at Sago Mine here, you

03 haven't examined any belts ---

04 A. No, sir.

05 Q. --- or returns or anything

06 like that?

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

08 Q. And who is your immediate

09 supervisor?

10 A. Owen Jones.
11 Q. How long has he been your
12 supervisor?
13 A. I'd say a year and a half,
14 approximately a year and a half.
15 Q. And who was it before that?
16 A. That I can't tell you. I
17 don't remember his name.
18 Q. What time do you usually ---
19 or do you normally start your shift?
20 A. We'll start down off the hill
21 anywhere from ten minutes 'till 6:00
22 to five minutes 'till 6:00 to get on
23 the mantrip.
24 Q. Approximately what time do you
25 arrive at the mine?

21

01 A. Oh, I'm usually at the mines
02 anywhere from five o'clock to five,
03 ten after 5:00.
04 Q. Could you just from the time
05 you arrived at the mine, just kind of
06 go through the whole process during
07 that day and tell me what happened?
08 And I'll just not say anything to you
09 and you just kind of give me a
10 description of the day's events that
11 took place.
12 A. I'd say I got there at the
13 same time I always do, anywhere from
14 five to ten after 5:00. Got dressed,

15 went over to the dispatcher's office.
16 And I usually stayed over there until
17 we got ready to go underground, drank
18 a cup of coffee, talked with several
19 different people. And this is
20 approximately, because I didn't look
21 at my watch. Usually the guys ---
22 somebody would holler, let's go, and
23 we walked down over the hill to get
24 on the mantrip. And the boss had got
25 a mantrip that wouldn't hold all of

22

01 us, so he went back and switched it
02 out, brought it up, and then we all
03 got on the mantrip. And what time
04 that would have been, like I say, I
05 do not know. I didn't really pay any
06 attention because nothing was --- you
07 just don't pay no attention.

08 We went up and we hit First
09 Left switch, and the gentleman got
10 out of the mantrip. He threwed the
11 switch, he sat back down, and that's
12 when the blast hit us. I said the
13 blast lasted from 10 to 15 seconds,
14 maybe 20 seconds at the most. Some
15 people said it was longer. When the
16 blast was over with, then we all got
17 out of the mantrip. What the boys
18 done in the front, I have no idea in
19 the world. I'm not even going to
20 venture a guess. When I got out of

21 my mantrip, I kept my back against
22 the mantrip. As them guys got out of
23 the mantrip, they just kind of eased
24 around me and got against the
25 mantrip. And there was one boy left,

23

01 and he couldn't see, and I stayed
02 there with him. And once I got him
03 to where he thought he could see real
04 good, then me and him went around the
05 edge of the mantrip and I got him
06 between the tracks and told him to
07 keep your feet down, shuffle your
08 feet stay between the track, and
09 we're going to go down the track.
10 And we went approximately two blocks
11 towards the outside, and I met two
12 other boys, and we stopped and we put
13 on our self-rescuers. They had
14 theirs on. And they started down
15 through, and I was the last one to go
16 down through because I knowed I was
17 the last one and I knowed what I was
18 going to do. And this is because of
19 other experiences. I went down to
20 where they said, here's a doorway
21 into the intake. And again, I was
22 the last one. Everybody come through
23 the doorway until I come through the
24 doorway. Then we closed it. We had
25 one gentleman that was having

01 problems. And while we was talking
02 with him and we was talking with our
03 boss, the boss wanted to go back on
04 the section to get his brother. We
05 had maybe two or three minutes, four
06 minutes, five minutes. I don't know.
07 That's what --- I'm going by what
08 other people said. We talked him
09 into staying at the phone, which was
10 out on the track. We told him if he
11 wouldn't go no further, we'd allow
12 it. And he said he would stay there.
13 Then we started to go down out of
14 there, and the one gentleman that was
15 having problems, because I'm old and
16 I'm --- I'm basically a little older.
17 I'm not as strong as a younger man.
18 I knowed that a buddy of mine didn't
19 have his light and he didn't have his
20 hat, so I went down with the boy that
21 was there, he's a younger fellow,
22 he's taller than me, stronger than
23 me, and I told him I'll stay with
24 this boy, you go back up with them,
25 they're having problems with him.

01 And as I led that boy down out of
02 there, I watched them. And when they
03 come a block, I took him a block.
04 When they come a block, I took him
05 another block. And as we were coming

06 down out of there, I was watching to
07 the right-hand side of me because
08 that's where the intake stoppings
09 were at, and I was watching them,
10 looking to find at least two
11 stoppings that weren't blown. I
12 figured if we hit two stoppings that
13 weren't blown, that's where the
14 blast stopped. I hit one stopping
15 that had part of it blown out and
16 another stopping that was all blown
17 out, another stopping that was good,
18 another stopping that had the center
19 part of it blown out, another
20 stopping that had anywhere from two
21 to four to six blocks blown out,
22 another stopping that probably had
23 half of it blown out, another
24 stopping. And this is not --- this
25 is just me trying to recollect. This

26

01 is not perfect. I hit a place where
02 I counted one stopping that was
03 solid, hit the next place, the
04 stopping was solid, and from there on
05 down to where the charger was, where
06 we knowed the scoop was. And the
07 reason we knowed the scoop was there
08 is because me and my buddy was
09 bolting that weekend in that intake
10 and that's where we left the scoop.

11 Our idea was, when we got to that
12 scoop, if there was no gas, we was
13 going to unplug it, put the two
14 people in it that we was having
15 problems with, and we was going to
16 take it as far as we could go. While
17 they were discussing that, somebody
18 hollered, which now I know who it
19 was, that we heard a mantrip. And
20 they told me, go over and open the
21 door. I went over and opened the
22 door and hollered out to stop the
23 mantrip. We got everybody out on the
24 track, got in the mantrip, and we
25 come outside. After we were outside

27

01 maybe --- again, I'm guessing, 5, 10,
02 15 minutes, because as soon as I got
03 outside, I called my wife. And I
04 gave the phone to another boy and I
05 said, as soon as you call your wife,
06 you give it to another guy and have
07 him call his wife. Get all of us get
08 our families notified. Don't tell
09 them what happened, just tell them,
10 okay, we're outside, we got a
11 problem, and let it go at that.
12 Because I knowed --- and again, from
13 a little bit different experiences,
14 but close to it, that when all this
15 started, the phones was dead to us.
16 We couldn't talk to our families.

17 And I didn't want any of the families
18 to find this out over the scanner.
19 Unfortunately, it did. You don't
20 hide nothing from people. How these
21 people found it out, I don't know,
22 but they did.

23 I went back and I talked to my
24 boss. He had come outside. They had
25 went and got him and they had done

28

01 some work in there and had come back
02 outside. And I went to him and I
03 said to him, now, one or two or three
04 of us is ready to go back in right
05 now. I said, get us permission and
06 let's go back in and do what we can
07 do. And he said, I'll come and get
08 you if I need you. From there on,
09 it's kind of hectic. But that's
10 basically all of it. That's just in
11 a nutshell.

12 Q. Okay. What I'd like to do
13 now, Mr. Ryan, is just kind of go
14 back to the beginning and we'll kind
15 of go through this step by step, if
16 you would, please, and we'll kind of
17 fill in some of the blanks, if there
18 are any blanks to fill in. Okay?
19 And again, I know you'll be repeating
20 it, but we want to make sure we get
21 everything down. Did you begin your

22 shift at the normal time that day?

23 A. As close as I can guess it,
24 yes, that's what I'm saying. It was
25 five to eight minutes 'till 6:00.

29

01 That's normally when we walk down
02 over the hill and get on the mantrip.

03 Q. And what time did you arrive
04 at the mine that day, approximately?

05 A. I'm going between five and ten
06 after 5:00 because that's normally
07 what time I get there every day. I
08 drive basically at the same speed.

09 Q. Okay. And after you got to
10 the mine, you just kind of --- you
11 say you got dressed and ---?

12 A. I got dressed and talked with
13 some of the other guys, joked with
14 some of the other boys. The one boy
15 that's in the hospital now, I talked
16 to him, because he was --- he was a
17 real good friend of mine. I trained
18 him in the mines as a roof bolter.
19 And normally, in the mornings, we
20 would --- we went in and got a cup of
21 coffee and got our lights and stuff
22 on, me and him would normally talk a
23 while, which that morning I also
24 talked with him. How long, I don't
25 know. I couldn't tell you.

30

01 Q. Then after that discussion,
Page 24

02 then did you go get your light or
03 ---?

04 A. No, we had our lights on. He
05 left and --- which was basically
06 normal, too, because those boys
07 usually went down a minute or two
08 minutes before we did. I'm guessing
09 the times because I don't know.

10 Q. I understand that. Sure.
11 That's fine. Did you take a detector
12 with you underground?

13 A. No, I did not. My buddy did.
14 I didn't --- I'm a helper on the
15 bolter and my buddy is the operator,
16 and the operator always carried a
17 detector with him. He had it in his
18 pocket.

19 Q. So you didn't have a detector
20 and there was no need?

21 A. No, I did not. No.

22 Q. He was the one who made the
23 examination?

24 A. Yes.

25 Q. And your assignment again was

31

01 the roof bolter, helped work on the
02 roof bolter?

03 A. Yes.

04 Q. And did you have any other
05 discussions on the surface before
06 going underground or anything that

07 you can recall that might be helpful
08 ---
09 A. No.
10 Q. --- that you did?
11 A. No, because I was talking to
12 this boy and we was just talking
13 about hunting. He just bought him a
14 new bow, and that's what --- mostly
15 that's what we talked about every
16 morning.
17 Q. Okay. You didn't have any
18 discussion with any management people
19 or anything?
20 A. No.
21 Q. And where was your destination
22 for that day?
23 A. First Left section.
24 Q. And once you went down over
25 the hill around 6:00 or a little bit

32

01 after, whatever, what did you do down
02 there again?
03 A. We realized that the boss
04 didn't have a Jeep big enough to
05 carry us in. We had two extra
06 gentlemen that was going in with us
07 that works the belts.
08 Q. And who might have those
09 people been?
10 A. Ain't no way I can even tell
11 you their names. One boy works on
12 Number Three belt, and his dad runs

13 the pumps, checks the intake, the
14 return, walks the intake, walks the
15 return. They're out by us. And we
16 realized that all of us couldn't fit
17 on the mantrip. The boss backed the
18 mantrip back outside and got a bigger
19 mantrip so that all of us could get
20 in it and sit down in the seats.

21 Q. And that boss was who?

22 A. Owen Jones.

23 Q. Okay. Go ahead.

24 A. And then we took off and went
25 underground.

33

01 Q. Did the Two Left mantrip, did
02 they leave before you?

03 A. Yes, they did. They were gone
04 by the time we got down there,
05 because I didn't see their lights.

06 So they had to leave, I don't know,
07 two minutes ahead. There's a long
08 slope that you can look down.

09 Q. I see. But they were gone and
10 you didn't actually observe them?

11 A. No, I did not.

12 Q. So you don't really know how
13 long ahead ---?

14 A. No.

15 Q. The mantrip that you used, is
16 that an open-type mantrip?

17 A. No. It's got a canopy over

18 it. Eight people can sit in the
19 front. Eight people or ten. You can
20 crowd ten in each end. There was
21 seven of us in the front and I'm not
22 going to venture how many was in the
23 back because I didn't see. I got in
24 the front and sat down.

25 Q. And when you sat down in the

34

01 front, you were facing inby?

02 A. Yes.

03 Q. And were you like the second
04 person, third person in?

05 A. I was against the door. I was
06 against this door on this part of it.
07 There was a boy sitting here. There
08 was a boy sitting beside me. There
09 was a boy sitting here. There was a
10 boy sitting here. And some of them,
11 their names I can give you and some
12 of them I can't.

13 Q. That's okay. So you sit
14 across the mantrip and you have ---
15 you face each other?

16 A. Yes.

17 Q. And you were sitting facing
18 inby?

19 A. I was facing inby, my right
20 shoulder against the door.

21 Q. And who was sitting directly
22 across from you?

23 A. Roger Perry.

24 Q. Roger Perry. And he's the one
25 who ---?

35

01 A. Just left.

02 Q. Okay. And he was the one that
03 threw the switch?

04 A. He threw the switch.

05 Q. Approximately how many people
06 were in the mantrip with you?

07 A. There was seven on my end, and
08 I can't tell you how many was on the
09 other end because I didn't --- if I
10 even looked, I didn't even pay no
11 attention because we normally just
12 done it. We just --- whichever side
13 you get in, you get in and sit down
14 and that's who you talk with as
15 you're going in.

16 Q. Do you recollect who --- you
17 said you don't know who all was on
18 it.

19 A. Not on the back side. My side
20 I do.

21 Q. Was this more than normal
22 people in your mantrip?

23 A. No.

24 Q. No.

25 A. I'm going to say average.

36

01 Some days we would have just the
02 crew. Other days we might have one

03 or two like we did that morning, pick
04 them up, take them in, drop them off
05 wherever they were going.

06 Q. Did all the people travel with
07 you? All the people in the mantrip,
08 did they all travel with you to the
09 First Left switch?

10 A. No. One got off --- this is a
11 guess. I'm thinking he got off at
12 either Three Head or Four Head,
13 because we stopped once and let one
14 off, then we stopped again and let
15 the second person off.

16 Q. Who got off first?

17 A. I'm going to say the belt boy
18 did.

19 Q. The belt boy. Do you know his
20 name?

21 A. No.

22 Q. Would that have been Pat Boni
23 or John Boni?

24 A. Pat Boni.

25 Q. Pat Boni.

01 A. You name them and then I can
02 tell you.

03 Q. Okay.

04 A. Right now, ---

05 Q. Yes, I understand. Sure.

06 A. --- after this accident, ---

07 Q. Sure.

08 A. --- I can't remember names.

09 It's killing me right now.
10 Q. That's not a problem with me.
11 That's not a problem. You're doing
12 real well.
13 A. Where John got off, I do not
14 --- I didn't pay no attention.
15 That's something that nobody would.
16 Q. Just the normal thing and ---?
17 A. Yeah.
18 Q. Yes. Okay. I understand.
19 But then you --- so you did let Pat
20 and John off at different places?
21 A. Yes, sir.
22 Q. Do you have any idea maybe
23 what time they exited the trip?
24 A. No, sir.
25 Q. When was the next time that

38

01 you had contact with Pat and John
02 Boni or one or the other?
03 A. I'm going to say outside.
04 Q. Outside.
05 A. I'm pretty sure it was
06 outside.
07 Q. Okay. What was the furthest
08 point of travel that you went
09 underground?
10 A. The First Left switch.
11 Q. The First Left switch. And
12 you traveled the track entry the
13 whole ---?

14 A. The whole distance.
15 Q. The whole distance, okay. To
16 that point, okay. And you left Pat
17 and John off, and then there was ---
18 was there any other stops after you
19 had made that second stop to let one
20 of them off?
21 A. No, sir.
22 Q. Then when you stopped at the
23 One Left switch --- and I believe you
24 said that Mr. Perry is the one who
25 exited the mantrip to throw the

39

01 switch; am I correct?
02 A. Yes, sir.
03 Q. Okay. But during your travel
04 underground, did anybody speak on the
05 --- is there a phone on the ---
06 A. Yes, sir.
07 Q. --- mantrip?
08 A. Yes.
09 Q. What do they call that?
10 A. Just a phone is all we call
11 it.
12 Q. Did anyone call it a trolley
13 phone? Does that ring a bell at all?
14 A. No. We just called it a
15 phone. Well, a track phone is what
16 we call it. It's a track phone.
17 Q. That's the phone that's on the
18 mantrip?
19 A. Right, goes out to the

20 di spatcher.

21 Q. Did anybody have any
22 conversation on that phone, that
23 mantrip phone?

24 A. If they did, I didn't hear it.

25 Q. Who drove the mantrip?

40

01 A. Owen Jones.

02 Q. And when Mr. Perry exited, did
03 he actually get the switch thrown or
04 ---?

05 A. Yes, sir. He got out. He
06 threw the switch. He got back in
07 the mantrip and he sat down, and
08 within a second and a half the blast
09 hit us. Two seconds, at the absolute
10 most, it hit us.

11 Q. Just describe that, if you
12 could, please.

13 A. I'll tell you just exactly
14 like I told the senators and I told
15 my son. If I put you in the bed of a
16 pickup truck and I put that truck on
17 the interstate, just everything that
18 truck had in it, you couldn't get
19 nothing more out of it, and then some
20 way or another to fix it up so that
21 somebody could get in front and throw
22 sand, gravel, rock, blocks, mud, any
23 and everything they could throw as
24 hard as they could throw it in your

25 face, that's close. That may be just

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01 a hair less, but it's close, for 10
02 --- I said 8 to 10 to 12 seconds,
03 some of them said it's 30 to 40, but
04 ---. And then it cut off, it ---
05 when it stopped, it stopped. There
06 wasn't no gradual going down or
07 nothing. It was one second, me and
08 you are talking, the next second it's
09 hitting you for everything it's
10 worth, and then it's over with.

11 Q. Did you feel any heat with it?

12 A. I did not. Some people said
13 they did.

14 Q. How about any smoke? Did you
15 recognize any smoke or anything like
16 that?

17 A. At the initial blast, I'm
18 going to say I didn't recognize
19 anything. I done what I was trained
20 to do in a longwall blast.

21 Q. Okay. And what was that?

22 A. Close your eyes as hard as you
23 could get them, cup your hands and
24 put them over your nose and your
25 mouth and hold them.

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01 Q. When you speak about a
02 longwall blast, are you speaking like
03 when they had a roof fall?

04 A. When they had the major roof

05 fall when we first started. We
06 called it a longwall blast. That's
07 how we were taught to do, close your
08 eyes as tight as we could, put the
09 gloves of our fingers in our eyes to
10 hold our eyes closed, and then cup
11 your hands like this over your nose
12 and you can breathe. You breathe
13 through your gloves. It will stop a
14 lot of dust. And that's --- as soon
15 as it hit me, that's what I initially
16 thought it was, was a major fall
17 somewhere, and that's what I done.

18 Q. Did you hear anything?

19 A. No noise.

20 Q. No noise?

21 A. No noise.

22 Q. Did you smell anything? When
23 that came through there, did it ---

24 A. No.

25 Q. --- did it smell like anything

43

01 or ---?

02 A. Not until after I got out of
03 the mantrip.

04 Q. Okay. Did you feel any second
05 rush of air? After that stopped, was
06 there any ---?

07 A. No back draft at all.

08 Q. Okay. So then you covered
09 your eyes and your nose and --- okay.

10 And did you wait until all the dust
11 had --- or the air rush had stopped
12 to get out?
13 A. Yes. Yeah, it was completely
14 over with before I would say anybody
15 got out of the mantrip.
16 Q. And when you got out of the
17 mantrip, did you feel any heat at
18 that time or ---?
19 A. No, sir.
20 Q. What was the air like? Was
21 there any air reversals or anything
22 like that?
23 A. No, sir. It was basically ---
24 and then this is going back with what
25 I experienced on the longwall. Any

44

01 longwall fall I had ever been in, you
02 always get a back draft. There was
03 no back draft to this, so there was
04 no fire. Now, that's --- I'm basing
05 that on my opinion.

06 Q. Yes. That just kind of like
07 went dead then?

08 A. It was dead. Everything was
09 completely dead. There was no sound.
10 There was no wind. The dust and
11 everything was just --- you couldn't
12 see a light two foot from you. And
13 it just hung there. There was no
14 air, no nothing. It had pushed
15 however far it pushed against that

16 fan and then it stopped. And then
17 the fan started pushing it back.

18 Q. Did your ears pop or anything
19 like that?

20 A. No. My ears wouldn't have
21 because I had my mouth open to
22 equalize it as it was coming through,
23 also from when I had been in the
24 longwall blast. That's what they
25 told us to do.

45

01 Q. Sure.

02 A. You open your mouth, your ears
03 will equalize. That's what I did.
04 Now, what some of the other boys did,
05 I don't know.

06 Q. Do you know if anybody was
07 knocked down? Of course, I realize
08 that everybody was in the mantrip,
09 but did anybody get knocked out of
10 the mantrip do you know of or
11 anything like that?

12 A. Owen Jones got knocked off the
13 mantrip. The blast picked me up and
14 it started taking me out of the
15 mantrip. But one boy went down over
16 my legs, and I'm sure that's what
17 helped keep me in it. I was coming
18 out of it. Now, whether it could
19 have got me clear out, I doubt it.
20 But it picked me up. I was up off

21 the seat for, I don't know, two or
22 three seconds maybe. And then one
23 boy dropped down over my legs, and I
24 put my foot against Roger.
25 Q. Did you lose your hat or your

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01 ---
02 A. Yes, I did.
03 Q. --- safety glasses or ---?
04 A. Yes, I did. I lost my glasses
05 and my hat and my light, but it
06 stayed --- the cords held together.
07 When the blast was over with, I just
08 reached up behind me and put my hat
09 back on. My glasses, I don't know
10 where they went to.
11 Q. They're still in there?
12 A. Someplace. I'm going to go
13 looking for them.
14 Q. Was the mantrip damaged in any
15 way? Did you happen to notice
16 or ---?
17 A. To my knowledge, I don't think
18 the mantrip moved at all. I'm sure
19 it shook a little bit, but if it did,
20 I didn't notice it. There was no
21 damage to it outside of, like I say,
22 the dust and stuff that hit it. I
23 don't think it moved an inch. I
24 really do not.
25 Q. Do you recall anybody being

47

01 injured, I mean, other than ---?
02 A. I had one place on my forehead
03 that was cut. We took that to be
04 Roger's light hitting me in the head.
05 Now, this is our theory, because he's
06 sitting over from me. Either his
07 light or his hat hit me. I don't
08 know which. One boy's arm was hurt.
09 One boy's back was --- looked like
10 you had shot him with a shotgun. It
11 was --- it looked pretty bad. But as
12 far as injuries to stop us from
13 moving, no.
14 Q. When you say his back was
15 pretty bad, you mean this is
16 something you saw outside?
17 A. Yes, after we got outside. In
18 there, no. There was nobody even
19 mention that ---
20 Q. They were hurt.
21 A. --- they were hurt.
22 Q. Do you recall hearing any
23 methane detectors beeping or flashing
24 at all?
25 A. No, sir.

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01 Q. Do you recall anyone saying or
02 discussing, you know, we got this
03 much methane or we have this much
04 carbon monoxide or anything like
05 that?

06 A. No, sir.
07 Q. There was no discussion ---?
08 A. No, sir.
09 Q. Now, after the, as you called
10 it, the blast, you got out of the
11 mantrip and then what?
12 A. When I got out of my mantrip,
13 I kept my back against it because you
14 couldn't see.
15 Q. Okay.
16 A. As each person come out of
17 there, they rubbed around me going
18 and I made sure they went around me
19 so that somebody wouldn't go in by
20 instead of out by being shook up.
21 When I got outside the mantrip, and I
22 hate to say this, when I stood up,
23 somebody told me, you just calm down,
24 you take it easy, you're going
25 outside. Now, did I say it to

49

01 myself? Did somebody say it to me?
02 Because everybody I have asked in
03 that crew, nobody said it to me. So
04 now I'll let everybody just use their
05 own judgment as to what happened. I
06 don't know. I'm working on that.
07 But as each boy got out, I just kind
08 of made sure that they went around
09 me, until the last boy got out, which
10 was Doc, and he was complaining he
11 couldn't see.

12 Q. And Doc, what's his name? Do
13 you know his name?

14 A. That's all I ever knowed him
15 by is Doc. He's a little bit shorter
16 than me. And I told him, I knowed he
17 wore glasses like I did. I said,
18 reach up and wipe off your glasses
19 and wipe off the top of your hat ---
20 light so you can see. There's dust
21 on it. And he said something else.
22 And I said, well, I said, let's go.
23 I said, we'll just ease down out of
24 here nice and slow. I said, there's
25 no great big hurry right now. We're

50

01 all right. And he said, well, don't
02 leave me. And I said, I'm not going
03 nowhere. I'm going to be right here
04 with you, come on, and I started
05 backing up real easy. I had my
06 dinner bucket and my rescuer. The
07 reason I grabbed my dinner bucket,
08 because I had the idea that we was
09 going to walk out of there and
10 somebody was going to need a drink of
11 water. One other boy grabbed his
12 water jug. And I eased Doc down
13 around the side of the mantrip, and I
14 told him when he got in to where his
15 feet was inside that track, I said,
16 you go down the track. Don't get out

17 of the track, and I'm going to be
18 right here with you.

19 Q. Was his light burning at the
20 time?

21 A. Yes, it was. It was just so
22 dusty you really couldn't see, and
23 --- you could see, but you couldn't
24 see because you knowed where you was
25 putting your feet, and nobody was ---

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01 me and him didn't stumble. And I'm
02 going under the assumption from what
03 I heard later, nobody else did. So I
04 believe we could see our feet, not
05 good, but enough to know where we
06 were putting our feet.

07 Q. Okay.

08 A. When I got down --- and then
09 they're telling me this,
10 approximately two blocks, my buddy
11 and another boy was standing there
12 and they helped us put our rescuers
13 on, and ---.

14 Q. How many people at that time
15 put their rescuers on? Do you recall
16 who was with you when ---?

17 A. The four of us, the rest of
18 them was gone. I never seen anybody
19 else until we went through that door.

20 Q. So other people left ahead of
21 you?

22 A. Yes.

23 Q. And it was the four of you?
24 A. It was the four of us.
25 Q. And who was in that group, Doc

52

01 and who else?
02 A. Doc, me, Alton Wamsley and
03 Eric --- Eric. That was the four of
04 us.
05 Q. Eric Hess?
06 A. That's him.
07 Q. So the four of you were
08 together?
09 A. Right.
10 Q. And you walked down
11 approximately a block or so ---
12 A. A block or two blocks.
13 Q. --- outby? And the dust was
14 the same inby as outby, or did you
15 ever look back?
16 A. The further down the track we
17 went, it kind of got to me that I
18 could see a little bit better as far
19 as looking down at my feet. Now, did
20 I look up and look down the track, I
21 honestly don't know. I'm sure I did.
22 But if I did, I do not remember it.
23 I was watching my feet.
24 Q. So you got to the first ---
25 what you figured was the first block

53

01 outby?

02 A. Right, either one or two
03 blocks below where we met these two
04 boys, there was a door, because they
05 hollered out there --- they were
06 ahead of me and Doc, and they
07 hollered out there and said, here's a
08 door, come through here into the
09 intake.
10 Q. So when you got to that, you
11 were walking up the track and you met
12 then on the track or they were
13 already over in the intake?
14 A. No, they was --- Eric and
15 Alton was two blocks below us on the
16 track. I met them right in the
17 middle of the track.
18 Q. And that's when you decided to
19 put the SCSRs on?
20 A. Yes. We all put ours on.
21 Q. Who made that decision?
22 A. Alton Wamsley.
23 Q. Did he say, hey, let's put
24 the ---?
25 A. Yes, he did. He said, you

54

01 guys do need to put these on. And I
02 said, yes, we do. And then he helped
03 me put mine on, and Eric helped Doc
04 put his on.
05 Q. When you say helped, what do
06 you mean they helped you?
07 A. I had mine in my mind. And

08 Alton pulled the tab, popped the top
09 up.

10 Q. Did you have any trouble
11 getting the bottom off at all?

12 A. Yes, sir. They were not worth
13 a damn.

14 Q. Okay. All right. Let's just
15 talk about that a little bit. And
16 when you say that, how --- what makes
17 you say that ---? Just kind of take
18 me through that, why you --- you
19 know, when you started and ---.

20 A. There's going to have to be
21 some design changes for them. That's
22 going to have to be taken up with a
23 whole lot of people. In a panic
24 situation, when you reach down to
25 grab the tab, you cannot get ahold of

55

01 it. It's hard to get ahold of. It's
02 not long enough or it's not wide
03 enough or ---.

04 Q. When you talk about the tab,
05 what ---?

06 A. That breaks the top of it,
07 breaks the seal that goes around it.
08 There's a tab that hooks to that ---.

09 Q. The band that goes around ---

10 A. Band that goes around.

11 Q. --- with a tab on top?

12 A. Right. You have to pull that

13 and that lets the band come loose,
14 and then that lets the top part come
15 off. The top part of mine popped
16 right off. I didn't have no trouble
17 at all with it.
18 Q. Okay.
19 A. So then you put the strap
20 around your neck and ---.
21 Q. Were you kneeling down at the
22 time?
23 A. No, sir. I was standing
24 because I was holding mine in my hand
25 while he was doing this for me.

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01 Q. Did you attempt to do it
02 yourself?
03 A. No, sir, I did not.
04 Q. Why didn't you do it yourself?
05 A. Panicked. Scared. Scared to
06 a point. More panicked I think than
07 anything else due to the fact that I
08 just thought everybody is leaving us,
09 and I was trying to get Doc down out
10 of there and he was --- Doc was a
11 little worse off than I was.
12 Q. Who put their SCSR on first?
13 A. Either Alton or Eric. I don't
14 know. I wasn't there. They put
15 theirs on, then ---.
16 Q. Did you think they had any
17 trouble getting the tabs off or ---?
18 A. I didn't ask them. I didn't

19 ask them.

20 Q. So they had theirs on?

21 A. Right.

22 Q. And that was Eric and Alton?

23 A. Right.

24 Q. And then they came over to you
25 or did you ask for help or ---?

57

01 A. No. They come over to us
02 because we was in the middle of the
03 track. They were off to my left side
04 as coming outside. They were off to
05 the left, and they come over to us
06 and they said, you need to put your
07 rescuers on, and I said, yeah, we do.

08 So we stopped right there, and then
09 that's when we went to putting them
10 on. We had a little problem with
11 both of them, getting them opened.

12 Q. And Eric pulled yours open?

13 A. No. He helped Doc.

14 Q. And Alton helped you?

15 A. Alton helped me, because he
16 was my bolting buddy.

17 Q. Okay.

18 A. The top part of it we didn't
19 have any trouble with. The bottom
20 part, yes, it didn't want to come
21 off.

22 Q. You had trouble getting the
23 tab?

24 A. Right. He had trouble getting
25 the tab open.

58

01 Q. Okay.

02 A. And I heard one or two other
03 people say that they kind of thought
04 they had trouble with theirs. Don't
05 know. I haven't actually talked with
06 them yet.

07 Q. When you say trouble, it just
08 wouldn't come off?

09 A. You just couldn't get the tab
10 off. You couldn't get ahold of it
11 for one thing.

12 Q. And then you said the bottom
13 part of it?

14 A. The bottom part of mine, we
15 had to jerk on it two or three times
16 to get it to unseal.

17 Q. Okay.

18 A. And then we put them on.

19 Q. When you put them on, tell me
20 the procedure that you used to do it.
21 Do you recall that procedure? You
22 took the bottom off and then what?

23 A. Right. We took the top part
24 of it --- we broke the band, took the
25 top part off. I took my hat off. He

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01 threw the band around my --- the
02 strap around my neck. I put my hat
03 back on. He had the nose clips. And

04 as he was putting the nose clips on,
05 I made sure that the mouthpiece
06 wasn't tangled, and I put it in my
07 mouth. And then that's when either
08 him or me, I don't know which,
09 grabbed the bottom and jerked, and we
10 had to jerk a couple, three times to
11 get it to come loose. When it popped
12 loose, he handed me the goggles, and
13 he grabbed the cord and popped the
14 rescuer open.

15 Q. When you say the cord ---?

16 A. That activates it. There's a
17 cord drops out the bottom when you
18 pull the bag out, and it activates.

19 Q. And Alton pulled on that?

20 A. He pulled on that and
21 activated it.

22 Q. And then you already had it in
23 your mouth?

24 A. I had it in my mouth.

25 Q. And you have your goggles on?

60

01 A. Yes, sir.

02 Q. Nose clip on?

03 A. I put the goggles on once we
04 got all that done. I had them in my
05 hand. I was holding it.

06 Q. And then did you have trouble
07 breathing with it in your mouth at
08 all?

09 A. Yeah. Yes, I did. It's due
10 to the fact I don't have any teeth.
11 Q. Okay.
12 A. You can't clamp that thing ---
13 and that's another design flaw that
14 later on is going to be brought up.
15 I'm going to do some screaming about
16 it, but not now. You can't hold
17 something in your mouth if you don't
18 have teeth that's designed for
19 something to hold with your teeth.
20 What they're going to do about that,
21 I don't know. I kept it in my mouth.
22 I had trouble keeping it in, but I
23 kept it in. You had to clamp on it.
24 Q. Did you have a problem
25 breathing. Were you able to go ahead

61

01 and breathe with it normally?
02 A. Yes.
03 Q. And what about the other
04 gentlemen, did they seem to be all
05 right with the SCSR, breathing when
06 it's on?
07 A. As close as I can tell, yes,
08 they weren't having any trouble at
09 all.
10 Q. And Doc was okay, he got his
11 on ---?
12 A. As far as I know, those two
13 got theirs because they kind of left
14 before we did. They was probably

15 five to eight seconds ahead of us.

16 Q. The SCSR then, you had it on
17 and it was working what you felt
18 properly?

19 A. Yes.

20 Q. You were able to get oxygen
21 and so on?

22 A. Yes.

23 Q. Were you able to get oxygen
24 the whole time you had it in?

25 A. No. After we got in the

62

01 intake and I got down with Roger, the
02 bottom part of my bag collapsed.

03 Q. When you say the intake, do
04 you mean immediately across the track
05 --- well, I better back up and let
06 you tell me. All right. When you
07 had them all donned and then you went
08 over to the intake, from that point;
09 is that correct?

10 A. Right, went through the door,
11 into the intake.

12 Q. Okay.

13 A. And then ---.

14 Q. Do you remember approximately
15 what block that was in?

16 A. No, sir. I've had two, three,
17 four different people try to figure
18 it out in their heads, and they would
19 say this block or that block. I do

20 not know, so I'm not going to answer.
21 I don't know what block it was.
22 Q. Okay. I understand. So you
23 went over into the intake?
24 A. We got in the intake and we
25 had some problems there.

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01 Q. With the SCSRs?
02 A. No, with the boss wanting to
03 go back.
04 Q. Okay.
05 A. So we got that straightened
06 out. And Hoy, who is our mechanic,
07 he was having some problems. So I
08 told them, I'll go down and get Randy
09 and bring Randy --- have Randy come
10 up here and I'll go down with Roger.
11 Q. Randy?
12 A. Helmick I believe is his last
13 name.
14 Q. Okay.
15 A. Because like I say, I'm 60
16 years old, and I'm not going to do a
17 whole lot of physical effort when
18 there's a 25 or 26-year-old boy
19 there. I'm not going to try. I'm
20 going to go get him. So I went down
21 and I told Randy, I said, you go back
22 up there with them. They're having
23 trouble with Hoy. And I'll stay with
24 Roger because he don't have a light
25 and he don't have a hat. And then I

01 talked Roger then into putting his
02 SCR on. He didn't have his on.
03 Q. When you say you went down and
04 back, now you went over to ---?
05 A. There's a block difference.
06 Q. So you went into the intake
07 through the man door?
08 A. Right.
09 Q. And at that point there the
10 four of you were still together?
11 A. Yeah. All of us was right
12 there together.
13 Q. Did you see anybody else,
14 lights or anything?
15 A. There was one, two lights way
16 down ahead of them, towards the
17 outside. Couldn't tell you who they
18 were.
19 Q. And once the four of you are
20 together there, you all four had your
21 SCSRs on?
22 A. Yes.
23 Q. And then go ahead from there
24 then?
25 A. Now, I'll back up to where we

01 was in there with Hoy. I know Hoy
02 has had his on. It didn't work.
03 Alton had his on. I don't remember
04 if Randy had his on or not.

05 Q. But these are different
06 people?

07 A. These are different people.
08 It was hectic there for a minute or
09 two. Eric and Doc went down the
10 intake. They were left by the time I
11 got in there. They weren't standing
12 with me.

13 Q. When you got into the intake,
14 who all was there with you?

15 A. Alton was there. Robbie was
16 there. Randy was down with Doc and
17 Hoy. Eric and Doc --- or Randy was
18 down with Roger. Eric and Doc, once
19 we talked to our boss, they left.

20 Q. Okay.

21 A. I could see Hoy was having
22 some problems, so I went down to
23 Randy and I told Randy, I said, you
24 go back up and you stay with them.
25 If he had his SCR on, I do not know.

66

01 I don't remember. I said, I'll stay
02 with Roger. And when I got down with
03 Roger, then I put his on --- helped
04 him put his on.

05 Q. And did you have any problem
06 with getting that one on?

07 A. No, didn't have a bit of
08 trouble. Got it open, got the bag
09 and everything out, he got it in his
10 mouth, put his nose clips on, I

11 activated it, the bag blew wide open.

12 Within a block, the bag collapsed.

13 He couldn't breathe. He had to take

14 it out of his mouth. And I tried to

15 get him to leave it in his mouth and

16 just breathe with what he could get,

17 but he said he couldn't breathe, so

18 he took it off.

19 Q. So did you actually see the
20 bag that collapsed?

21 A. Yes, sir.

22 Q. And you had pulled the ---

23 A. I pulled the ---

24 Q. --- cord?

25 A. --- activation cord, and it

67

01 blew out full.

02 Q. But then how long was it

03 before it collapsed? I mean, I know

04 you guys were in a panic situation

05 and everything, but do you have any

06 idea?

07 A. Eighty (80), 90 feet. And

08 with him walking with my light, a

09 minute, two minutes.

10 Q. Well, when it collapsed then,

11 you saw it collapse?

12 A. Yeah. It was flat.

13 Q. It was flat. Then what did

14 you do with him? What happened?

15 A. He took it out of his mouth.

16 He coul dn' t breathe.
17 Q. Okay.
18 A. And then as me and him was
19 going down, he had to go wi th my
20 l ight because he coul dn' t see. I
21 wou ld watch back and as them boys was
22 comi ng wi th Hoy, I wou ld wai t on
23 them. When they got a full block,
24 I' d take Roger a full block.
25 Q. And that' s Roger (si c)

01 Helmi ck, he' s the one that ---?
02 A. No, that' s Roger Perry, the
03 boy that was just in here.
04 Q. Roger Perry?
05 A. Yeah.
06 Q. And hi s is the one that
07 coll apsed?
08 A. Yes, it is, Roger Perry' s.
09 Q. And he took it out?
10 A. He took it out of hi s mouth.
11 Q. Di d he ever put it back in,
12 di d you noti ce?
13 A. I believe he di d. But he sai d
14 he coul dn' t breathe wi th it in hi s
15 mouth, and then he took it out. I
16 believe he di d. Now, I' m not going
17 to swear to that.
18 Q. I understand. Sure. Sure.
19 All the informati on you can provi de
20 us, it' s really helpful. Getti ng
21 back then to your --- when di d yours

68

22 collapse? I believe you said yours
23 collapsed?

24 A. While I was with Roger. Now,
25 what time frame, I don't know. I

69

01 just know I was with him, walking
02 with him when mine started getting to
03 the point I couldn't breathe real
04 good with it.

05 Q. Okay.

06 A. But I was going slow enough
07 with Roger that I wasn't asking this
08 thing for more than what I was
09 getting out of it. If I would have
10 been on my own and moving, no, I
11 would have took it off and thrown
12 the thing away because it would have
13 just quit. It would start to get
14 warm. So every time it would start
15 to get warm, I'd slow me and Roger
16 down. And the reason I done it is
17 because the thing was getting warm.
18 I knowed it was overriding what was
19 left in it. And I would rather
20 breathe what it was giving me than
21 the air that was out there.

22 Q. So it never actually really
23 quit?

24 A. No, it did not.

25 Q. And you never had to really

70

01 take it out of your mouth, you just
02 slowed down?
03 A. No, I never took it out of my
04 mouth.
05 Q. Okay. So go ahead from there.
06 You were moving outby?
07 A. Me and Roger would go a block
08 and then I would stop him and I'd
09 look behind me and I'd watch for Hoy
10 and them boys to come down a block.
11 When they would get down basically a
12 block, then me and Roger, we'd go
13 down another block.
14 Q. Okay.
15 A. Sometimes we'd go a little bit
16 further. Sometimes we wouldn't.
17 Q. Okay.
18 A. I can't tell you the exact
19 sequence. But I know when we started
20 down through, as I was taking him
21 down through, he was on my right-hand
22 side, and when I would throw my light
23 up towards him so he could see, I
24 would throw my light over towards the
25 stoppings to watch the stoppings.

71

01 Because I was trying to find two
02 stoppings that was basically
03 together. And I figured if we get to
04 that point, from there on out we're
05 going to be all right because the fan
06 is going to catch us, which it did.

07 Q. And during this process, did
08 the ventilation seem to get better as
09 you went?
10 A. Yes, it did.
11 Q. Could you feel any velocity in
12 your face, air hitting you in the
13 face, or was it ---?
14 A. I'm sure I did, but that's me
15 thinking I did. The fan was --- I'm
16 sure the fan was still putting out
17 because it was clearing up. It was
18 clearing up real fast.
19 Q. And you don't recall any of
20 these blocks --- any of the
21 stoppings, the numbers of the
22 blocks ---
23 A. No, sir.
24 Q. --- where the stoppings were
25 blown out or anything?

72

01 A. If I seen a number, it never
02 registered. I wished it would have.
03 I've been asked that so many times by
04 a lot of different people.
05 Q. Well, you weren't worrying
06 about numbers at the time.
07 A. I wasn't looking at numbers.
08 I didn't look at my watch.
09 Q. Okay.
10 A. It wouldn't have done me any
11 good anyhow because it was no good.

12 Q. Go ahead. You guys were going
13 one block and waiting for the other
14 person to catch up, ---

15 A. Right.

16 Q. --- another block and waiting
17 for them to catch up?

18 A. The other boys, as far as I
19 know, they were down at that charging
20 station. When we basically got down
21 to there, Alton and Eric was talking
22 about getting Alton's detector out,
23 checking the air, and we was going to
24 unhook the batteries off the charger
25 and hook them up, and we was going to

73

01 run the scoop out. We were going to
02 put the two boys that was in pretty
03 bad shape, which would have been
04 Roger, because he's one-legged, and
05 Hoy in the scoop bucket, and all the
06 rest of us was going to get in it,
07 too.

08 Q. The rest of us was ---?

09 A. Every one of us there was
10 going to get in it.

11 Q. That was the four of you?

12 A. That was the whole crew.

13 Q. Oh, the whole crew at that
14 time?

15 A. The whole crew. We were all
16 down to right there by then.

17 Everybody just kind of got to that

18 point and stopped.
19 Q. So you caught up to the other
20 people?
21 A. Right. They stopped right
22 there.
23 Q. At the charging station?
24 A. At the charging station.
25 Q. Is there a reference to that

74

01 charging station, they call it ---?
02 A. Not that I know of. They just
03 --- as they clean up the intake and
04 we was bolting, they'd just take that
05 charger and move it down to the next
06 box that they could plug it in.
07 Q. All right. So you got to the
08 charger?
09 A. We were going to --- they were
10 talking about it when I got there.
11 They were going to unhook it. And
12 while they was talking about that,
13 Alton hollered at me and he said, go
14 over there and holler, there's a
15 mantrip coming up the track.
16 Q. How did he know that?
17 A. We could hear it.
18 Q. Okay.
19 A. Luck was with us. Luck wasn't
20 with us. It was with us because
21 right there was the door. We were
22 beside a door. We could hear it. If

23 we had been in any of those five
24 blocks down through there that there
25 wasn't a door, we'd had to go at

75

01 least a block one way or the other,
02 if we even knowed where the door was
03 at.

04 Q. Okay.

05 A. I crawled halfway through the
06 door and I started flagging my light
07 and yelling. And inside the coal
08 mines my voice carries pretty good.
09 It really carries good. And those
10 gentlemen heard me and they come to a
11 screeching halt. And Dick Wilfong
12 asked me, he said, how many of yours
13 is here. I said, all of us. I said,
14 just wait a minute. And I crawled
15 through the door and then stuck my
16 head back inside and I told Alton and
17 them, I said, the mantrip is here,
18 everybody come out here on the track.

19 Q. Did everyone have the SCSR on?

20 A. No, sir.

21 Q. Did everyone don an SCR at one
22 time and took it off or did some not
23 ---?

24 A. No, sir. Some did not put
25 them on at all.

76

01 Q. At all. Okay. When did you
02 take your SCSR off?

03 A. When I got outside and brought
04 my light out up at the bathhouse.

05 Q. So you had that SCSR on from
06 the time you initially put it on
07 until you got on the mantrip and
08 exited the outside and up in the
09 bathhouse?

10 A. Right. And I took it out ---
11 I took it out of my mouth when I got
12 inside the dispatcher's office so I
13 could call my wife.

14 Q. Did others take their SCSRs
15 --- the ones that were using the
16 SCSRs, did they take it out of their
17 mouth at different times and ---?

18 A. That I can't tell you. I do
19 not know.

20 Q. Did anyone --- you know, after
21 the initial rush of air, did anyone
22 try and make any phone calls at that
23 time; do you recall?

24 A. There was a phone there, and
25 some of them said that our boss went

77

01 over to the phone.

02 Q. At the One Left switch?

03 A. Right. To my knowledge, I do
04 not know. If he went to that phone,
05 I do not know. If he talked on it, I
06 do not know.

07 Q. Okay. And you never met up

08 with either one, Pat or John Boni? I
09 think you already told me that.
10 A. No, sir. To my knowledge,
11 they were both outside.
12 Q. When you got to the mantrip to
13 go outside, you said Mr. Wilfong was
14 there. Who else was with him; do you
15 recall?
16 A. The superintendent.
17 Q. And that would be Mr. Toler?
18 A. Yes, sir.
19 Q. Okay.
20 A. The safety director. I think
21 he --- an assistant electrician chief
22 ---.
23 Q. Hofer?
24 A. No. He's underneath Dick
25 Wilfong. I can't remember his name.

78

01 Q. Okay.
02 A. I'm sorry I can't remember the
03 names.
04 Q. That's no problem.
05 A. I just can't do it.
06 Q. No problem at all. And what
07 conversation do you recall at that
08 mantrip? You got everyone over there
09 and were any of those gentlemen
10 making calls or anything?
11 A. I believe Dick Wilfong went
12 towards the outside to a phone,
13 because I heard him talking. I

14 didn't see him talking on one, but I
15 could hear him talking to somebody.
16 And I told the superintendent and the
17 safety director, I said, our boss is
18 up there on the telephone. Somebody
19 either needs to get him out of there
20 or go up there, whichever you can do.
21 And they said, we're going to go get
22 him. And as far as I know, the two
23 of them went up there to either get
24 him or I don't know what they was
25 going to do.

79

01 Q. When you say went up there,
02 was that inby or outby?
03 A. Inby.
04 Q. Inby?
05 A. Inby. And at that time ---.
06 Q. That was at the charging
07 station?
08 A. That was at that charging
09 station.
10 Q. And he went inby to use the
11 telephone, he meaning Mr. Jones?
12 A. Mr. Jones stayed there. He
13 wouldn't leave with us. He stayed up
14 there someplace right around where
15 that mantrip was --- when we got off
16 the mantrip originally, them guys,
17 some of them said there was a
18 telephone there.

19 Q. Yes.
20 A. Here's assumptions on my part.
21 He was at that telephone. I told
22 them he was up there and for somebody
23 to go up to him, because his brother
24 was up there. And I said that if you
25 don't get up there to him, after a

80

01 bit he's going to go or try to go to
02 his brother, because that's what he
03 told us he had in mind.

04 Q. Did you hear --- either the
05 superintendent or any one of those
06 people that came in on the mantrip,
07 did they call outside?

08 A. I'm going on the assumption
09 that Dick Wilfong was talking on the
10 phone. I didn't see him on the phone
11 because I just didn't see him. I had
12 other things on my mind.

13 Q. Sure.

14 A. But he come back from --- he
15 went towards the outside and then he
16 come back. What he did down there
17 --- and I heard him talking. And he
18 may have been talking to somebody, I
19 honestly don't know.

20 Q. So you're not aware of any of
21 the conversations that ---

22 A. No.

23 Q. --- outside, if there were?

24 A. No, sir. If they was talking

25 on the phones, I don't know. Because

81

01 I didn't see them. Like I say,
02 that's an assumption on my part that
03 they were. I do not know. I didn't
04 see it.

05 Q. So then you all got on the
06 mantrip?

07 A. Dick Wilfong was outby. I was
08 on the assumption that he was on a
09 phone, because I could hear him
10 talking. And as far as I know, there
11 was nobody down there because all of
12 us was still inside the intake. And
13 he come running back up there and he
14 said something to me, which I don't
15 even remember, and then we got
16 everybody out of the intake. He
17 opened the door and hollered in there
18 and told them to get everybody out of
19 here, there's a mantrip out here,
20 they're going to take us outside.
21 And everybody come over and four of
22 us got in my end, and I'm going on
23 the assumption that four or five got
24 on the other end.

25 Q. And you were on the inby end

82

01 or the outby end?

02 A. Outby end, going towards the
03 outside.

04 Q. Outby end, going towards ---
05 you were sitting on the surface side?
06 A. Yeah, I'm sitting on the
07 surface side.
08 Q. And then what happened?
09 A. We went outside. How long it
10 took us, I don't know. It was --- it
11 took us a little longer than normal
12 because they went real slow. They
13 didn't go real fast.
14 Q. And who all went outside? I
15 mean, I know your crew went outside.
16 But of the people that came in with
17 the mantrip, Mr. Toler, Mr. Wilfong,
18 did all of those go out with you?
19 A. I can't tell you that. I do
20 not know. I got inside the mantrip
21 and sat down and my back was ---
22 everything that happened, happened
23 behind me. Who stayed, who got
24 outside, I do not know. I'm sure if
25 I would have --- when I got outside,

83

01 if I would have turned around and
02 looked, I would have seen. I had one
03 thing on my mind when I got outside,
04 and that was to get to that telephone
05 and call my wife.

06 Q. Sure.

07 A. That was the only thing I had
08 on my mind. Some of them said I just
09 about halfway run up over that hill.

10 I don't know. I couldn't tell you.

11 I just knowed I had to get to that

12 phone.

13 Q. And Mr. Jones stayed

14 underground, do you know that?

15 A. I was told later he did.

16 Q. But you didn't know that then?

17 A. I do not know.

18 Q. Whenever you got on the

19 surface, was there anyone out there

20 to meet you gentlemen?

21 A. Just the dispatcher. The

22 dispatcher was ---.

23 Q. Was he down in the pit?

24 A. No. He was up in his ---.

25 Q. Who was at the outside, down

84

01 in the pit? When you drove out in

02 the mantrip, do you recall who was

03 there to meet you or anything?

04 A. I'm sure there was somebody

05 there. By you mentioning it, I think

06 I can remember there was somebody

07 down there, but I don't know. When I

08 hit the outside and I got out of that

09 mantrip, like I tell you, it's a

10 complete blur until I got ahold of

11 that telephone. That was the only

12 thing --- the only thing I was

13 thinking, the only thing I even can

14 think was to get ahold of that

15 telephone. I knowed what was going
16 to happen within about five to eight
17 minutes, and I didn't want it --- her
18 to get it any other way.

19 Q. So you got out of the mantrip
20 and went up over the hill?

21 A. Yes, sir.

22 Q. And you made a telephone call.
23 And do you know if anybody went back
24 underground?

25 A. I was told there was. I did

85

01 not see anybody go underground. If I
02 had knowed they was going back
03 underground when I made the phone
04 call, I would have went with them,
05 plain and simple. I wouldn't lie to
06 you. I asked at least six to eight
07 times to go back under.

08 Q. Who did you ask?

09 A. I asked everybody. You name
10 it and I asked them, from the head
11 man all the way down from Monday to
12 Tuesday afternoon.

13 Q. And who is the head man?

14 A. Mr. Hatfield.

15 Q. Mr. Hatfield.

16 A. Mr. Hatfield, Mr. Dunbar, and
17 whoever else you can think of, I
18 asked them all to go back under.

19 Q. And what did they say?

20 A. No.

21 Q. No.

22 A. And that's the answer I got
23 starting Monday morning, no, go sit
24 down. No, go sit down. No, go get a
25 cup of coffee.

86

01 Q. Okay. And when you get off
02 the phone with your wife, what did
03 you do?

04 A. I took my light off, put it in
05 the charger, took my name tag off the
06 board and put it over onto the
07 outside. Went over in the bathhouse,
08 and that's when I took the rescuer
09 off and laid it down by my basket. I
10 kept that thing in my mouth until I
11 was --- I think I took it off when I
12 went --- took it out of my mouth when
13 I started up over the hill because it
14 didn't give me what I had to have. I
15 think that's when I took it off, out
16 of my mouth, and quit using it. But
17 that I'm not going to say. I don't
18 know for sure. I really don't
19 remember.

20 Q. So you would have kept it on
21 until you got to the charger, right,
22 because you would have had to take it
23 out of your mouth to do a --- didn't
24 you say you hollered at someone?

25 A. I talked to my wife.

01 Q. No. I mean, back underground.

02 A. No. It didn't come out of my
03 mouth.

04 Q. You just hollered at him ---

05 A. Hollered at him with it in.

06 Q. --- with it in your mouth?

07 A. We're used to hollering back
08 and forth, muffled, running the

09 equipment. We understand. We can

10 understand quite a bit. We wear

11 earplugs when we're running on the

12 bolting machine, so your voice

13 doesn't come through real, real, real

14 clear. But you half guess and half

15 talk. We get by pretty decent.

16 Q. So you never took it out. You
17 just ---

18 A. No.

19 Q. --- hollered while it was in
20 your mouth?

21 A. Yes.

22 Q. Until going up over the hill,
23 it gave you enough air to ---

24 A. Do what I needed to do.

25 Q. --- do what you needed to do?

01 Are you familiar with the --- let's
02 back up. So during that day, you
03 stayed at the mine?

04 A. Up until noon, when several of
05 us got to telling them that we could

06 smell gas. And then they evacuated
07 us.

08 Q. Did any company personnel or
09 anybody ever just like sit you down
10 and say, tell me what happened, or
11 kind of debriefed you of what you
12 think might have happened and the
13 occurrences that you experienced
14 underground?

15 A. No, sir, not to my knowledge.

16 Q. When you say that some of them
17 got to asking you and then you told
18 them you smelled gas, tell me a
19 little bit about that.

20 A. They was --- I don't know,
21 three, four or five of us was talking
22 back and forth, and one of them
23 mentioned to me --- now, this is
24 different people.

25 Q. When you say --- was that all

89

01 the One Left section people that ---

02 A. Yes.

03 Q. --- you guys were just ---?
04 There wasn't any management people
05 around?

06 A. No, not at that time.

07 Q. Okay.

08 A. It was just us talking, and
09 somebody said they could smell gas.
10 I said, yeah, I've smelled it a time

11 or two out here, too. And I walked
12 around the corner, and I was talking
13 to a state inspector and I think a
14 federal inspector.
15 Q. Do you recall their names?
16 A. No, sir.
17 Q. Go ahead.
18 A. Their detectors started going
19 off. And then after ---.
20 Q. In the building that you were
21 in?
22 A. No, outside. Standing outside
23 ---
24 Q. Standing outside?
25 A. --- the dispatcher's office up

90

01 on the hill. And then it was within
02 probably five minutes after that that
03 other inspectors' detectors starting
04 going off, too.
05 Q. Okay.
06 A. And that's when they told all
07 of us, you people is going to leave.
08 Q. They, meaning?
09 A. The inspectors. It was either
10 the state or the federal, I couldn't
11 tell you which. They come over and
12 just said, everybody is evacuating.
13 They want everybody out across ---
14 outside the gate. And then when we
15 got ready to go, they said, no. They
16 sent our crew up to the Sago --- or

17 Badger's dispatcher's office up
18 there. Told us, you all wait up
19 there, and we'll be up to talk to
20 you. And then that's when we left
21 there. We could smell gas. And that
22 went along with the scenario that I
23 come up with. And boy, have I hit it
24 dead right.

25 Q. And what's that?

91

01 A. It was a lightning strike.
02 The only reason I'm saying it was a
03 lightning strike, it's just I'm just
04 saying it's a lightning strike.
05 There ain't nothing told me that's
06 what it was. I'm just --- in my own
07 mind --- and every one of us was
08 trying to figure out what happened.
09 Each one of us had a different
10 scenario as to what happened, how it
11 happened, what went on while it was
12 happening. We went and talked this
13 and talked and talked and talked and
14 talked and talked and talked, and my
15 idea was it was a lightning strike.

16 And I mentioned to management
17 that I thought that's what it was. I
18 told the state inspectors that's what
19 it was. I told the federal
20 inspectors that's what it was. I
21 told any and everybody that would

22 listen that's what it was. Right or
23 wrong, that's my theory. And I think
24 I'm a hell of a lot closer than most
25 of them. Whether I am or not, I

92

01 don't know.

02 Q. Okay. So after you left the
03 property --- during the experience
04 underground, that whole experience,
05 did you hear anybody's detector going
06 off underground at all?

07 A. No. Never heard a one of them
08 go.

09 Q. Did anybody say to you that
10 they --- oh, I see this much methane
11 or ---

12 A. No, sir.

13 Q. --- talked about any carbon
14 monoxide, parts per million or
15 anything?

16 A. No. Wasn't a soul who said a
17 word about it to me.

18 Q. Under ---.

19 A. Underground.

20 Q. Underground.

21 A. Or even outside, for that
22 matter.

23 Q. Okay.

24 A. There was nobody said anything
25 to me about it.

93

01 Q. Then after you --- you were
Page 76

02 asked to leave the surface, and you
03 left the surface --- you went out to
04 the gate you said?

05 A. We was going to --- they told
06 us to go to the gate at first, and
07 then they come back in and somebody
08 said no, said your whole crew is
09 going up to the bathhouse at Badger's
10 old mines.

11 Q. Okay.

12 A. And we went up there and we
13 stayed up there two hours, two and a
14 half hours. Then the safety people
15 come to us and told us, now we're
16 going to take all of you out of here,
17 we're going to put you over in the
18 tipple, and we're going to put all
19 the television crews in here.

20 Q. And who would that have been
21 who gave you those instructions?

22 A. The gentleman that's under Ty.
23 I can't remember his name.

24 Q. Who's Ty?

25 A. He's the safety person up

94

01 there. He's supposed to be the head
02 safety man over the whole company.

03 Q. Do you know his full name or
04 you just know him by Ty?

05 A. Just Ty. He's a great, big,
06 heavyset fellow.

07 Q. So then he told you that
08 they're going to take you up to the
09 tipple?
10 A. Yeah. And they would be up to
11 inform us as to what was going on,
12 and they wanted us to stay there.
13 Q. And you did that?
14 A. Yeah.
15 Q. Did you drive up yourself or
16 ---?
17 A. Yeah, some of us did. Some of
18 us rode in with other boys.
19 Q. And then when you went up to
20 the tipple, what happened?
21 A. We went to the bathhouse ---
22 or the dispatcher's office over there
23 first, and we was over there two
24 hours maybe when they come up and
25 told us, okay, we're going to send

95

01 you guys over to the tipple. They're
02 going to bring all the television
03 crews and their cameras and all that
04 up there. That's when they brought
05 all those people over there and tried
06 to get them set up over there. And
07 then we --- some of us stayed at the
08 tipple, and some went down to the
09 church. All of us didn't stay
10 together.

11 Q. And you stayed at the tipple?
12 A. Yeah. I left the tipple at

13 8:00 or 8:30 Monday night, and I come
14 back the next morning at eight
15 o'clock, and I stayed until 2:00, I
16 think it was.

17 Q. While you were at the tippie
18 during that --- until eight o'clock
19 in the evening, did anybody speak to
20 you about what you thought happened
21 or was there any company personnel
22 asked or you would just ---?

23 A. Mr. Dunbar come up and he was
24 telling us what was going on up to
25 that point. They tried to keep us as

96

01 informed as they possibly could. And
02 I mentioned to him, I said, I still
03 think if you'll get your geologist
04 and start running that country up in
05 there, you're going to find a
06 lightning strike. And he informed me
07 that they were going --- they were
08 either getting people into it right
09 then and there or they were going to.
10 I don't remember which. My scenario
11 is this is still a lightning strike.
12 It was really bad.

13 Q. When you come back the next
14 day, you would just come back --- you
15 came back to the tippie?

16 A. Right, on Tuesday. And we
17 stayed there until about two o'clock.

18 And then Mr. Dunbar, when he was
19 talking to us, he told all of us, he
20 said, you boys might as well go home,
21 and then we'll call you at home and
22 tell you what's going on. It will be
23 easy for us to call you at the house
24 and then, you know, you'd be with
25 your families. He said, this is

97

01 shaking your families up and some of
02 them was --- they didn't even hear
03 that because some of them didn't come
04 up there. Some of them went ---
05 after we broke up the second time,
06 some of them went to the church. Two
07 or three of them stayed down at the
08 church most of the time.

09 Q. And you spent your time at the
10 tippie?

11 A. Yeah.

12 Q. Are you familiar with the Two
13 Left seals? Do you know what I'm
14 speaking about, the Two Left ---?

15 A. The only way I'm familiar with
16 them is, is in my mind. I know where
17 they were at. I know where they
18 drove by the maps that we watched ---
19 because all of us go in and look at
20 the maps as to where each section is.

21 Q. Sure.

22 A. I have never --- I have been
23 within one block of them, but not

24 over to them.

25 Q. Did you mine up in the old

98

01 mains or were you ---

02 A. No, sir.

03 Q. --- up there when they were

04 mining or up in the old Two Left?

05 A. No. That was Two Left crew.

06 One Left crew was --- I was on One

07 Left crew, and we went down that way.

08 Q. When you say you were up near

09 them, within one block, you mean

10 after they were built or ---?

11 A. Yes, sir.

12 Q. What was your job up there?

13 A. During the week's vacation,

14 they had a fall-down on the main

15 line.

16 Q. Okay.

17 A. And I come in off my vacation

18 --- they called me in off my

19 vacation, and we went up to Two Left

20 and got a scoop and a charger, a

21 bunch of roof bolts, some cable

22 bolts, glue, just whatever we could

23 get, and then we took that down to

24 the fall. So I was within a block or

25 two of the seals, but I didn't see

99

01 them. Never had no reason to even

02 think about them.

03 Q. And were the seals installed
04 at that time; do you recall?
05 A. As far as I know, they were,
06 yes.
07 Q. When was your vacation?
08 A. November, deer season.
09 Q. Deer season.
10 A. The first week of deer season.
11 I believe they were.
12 Q. But you were never over there
13 or anything?
14 A. No.
15 Q. Did you ever hear anybody
16 talking about anyone detecting
17 methane over in that area or ---?
18 A. No, sir. Never even had no
19 reason to talk to anybody about it,
20 to be honest with you.
21 Q. Okay. I just thought maybe
22 that you had overheard someone ---
23 possibly overheard someone saying they
24 had methane at the seals or detected
25 any methane over there or ---.

100

01 A. No.
02 Q. No.
03 A. The one boy that fire bosses
04 that, he's the one that fire bosses
05 us on the weekends. And if they had
06 been picking up any gas, I'm sure he
07 would have mentioned something just
08 in the normal conversations.

09 Q. Who is that that you're
10 speaking of?
11 A. Terry Helms' buddy. The two
12 of them done the fire bossing on the
13 weekends.
14 Q. You don't know his name?
15 A. Fred I think is his name.
16 Q. Fred?
17 A. Yeah. Can't give you a last
18 name. Fred I think is his name.
19 Q. Up in your --- when you were
20 working in One Left, did you ever
21 detect --- how much methane would you
22 normally detect at the face?
23 A. I think two-tenths at one
24 time, and I can't swear to that.
25 Q. On your hand-held detector?

01 A. Right. And then we use the
02 hand-held detector, we stick it in a
03 probe and push it out forward.
04 Q. Probably two-tenths?
05 A. Yeah.
06 Q. Is that the most you ever
07 detected?
08 A. I think so. And there I'm
09 guessing.
10 Q. Sure.
11 A. Normally, I keep the curtain
12 up as tight to me as I can keep it.
13 I just do. There's no reason because

101

14 the state says I have to or the
15 federal says I have to. That's just
16 always been habit with me. I like a
17 lot of air blowing over me just due
18 to the fact that what little dust
19 that machine is putting out, it's
20 blowing away from us.

21 Q. Did you ever hear anyone talk
22 about cutting through any boreholes
23 of any sort, accident or uncharted
24 boreholes, ---

25 A. Not to my knowledge.

102

01 Q. --- water wells?

02 A. No. None of --- on ours, none
03 of us every did. Or if Roger did, he
04 never told one of us. I'd remember
05 that pretty plain.

06 MR. SWENTOSKY:

07 Brian, do you have
08 anything?

09 MR. MILLS:

10 Yes, Joe, just a couple
11 quick ones.

12 BY MR. MILLS:

13 Q. You said you had some past
14 experience?

15 A. Uh-huh (yes).

16 Q. Was that with explosions or
17 fires?

18 A. Uh-huh (yes), fire and
19 explosions. One of them --- and this

20 has nothing to do with the mining
21 industry. This was --- I was on a
22 destroyer on the Navy.

23 Q. Okay. But nothing to do with
24 ---.

25 A. We had a five-inch gun mount

103

01 blow up. And I was on the mine ---
02 or the --- I was on the rescue team
03 on the ship. And I was supposed to
04 go in and help with it. I didn't. I
05 didn't make it. I'm not ashamed of
06 it. I didn't make it. And anybody
07 says you can throw up in them
08 breathers and you can breathe,
09 they're crazy. They're crazy as
10 hell, because I never made it inside.
11 I got part way and they had to take
12 me out. I was as bad off as some of
13 the boys that was in there. And that
14 experience will put you --- I don't
15 care, anything else that you ever
16 want to get into, that'll put in with
17 it.

18 Q. Have you ever been on a mine
19 rescue team?

20 A. No, sir. I wouldn't go on it.
21 My hat's off to those boys. There's
22 no way. And now I'm too old to ---
23 whether I would have the stamina at
24 my age to do that, I doubt. I could

25 try, but I doubt. Sixty-year-old man

104

01 is going to go down pretty soon. He's
02 going to wear out. He's not going to
03 come back as fast.

04 Q. You mentioned at the time of
05 the blast you didn't smell anything?

06 A. No.

07 Q. And I thought maybe you were
08 going to say after you got out of the
09 mantrip you thought maybe you smelled
10 something then?

11 A. Not so much that I thought I
12 smelled it. And here again, this is
13 going back to other experiences. I
14 worked on gas rigs. I put testing
15 units on gas rigs after they were
16 drilled. The paraffin has got a ---
17 when it's mixed with the gas and it
18 blows, it's got a smell to it. I
19 thought I smelled that.

20 Q. When you got out of the
21 mantrip?

22 A. When I got out of the mantrip.
23 But now that's --- I can't answer it
24 because I really don't know. I
25 thought I smelled it, but then with

105

01 everything else going, if I did, I
02 really don't know. One or two of the
03 other boys said they thought they
04 smelled something, too. And I said,

05 well, if you worked around gas rigs
06 --- and this is us talking, did you
07 smell paraffin. Paraffin's in with
08 natural gas. It plugs up the pipes
09 all the time. And I'm calling it
10 paraffin. It's not paraffin. It's
11 the name we give it. It's a waxy
12 stuff, get it all over you. I
13 thought I smelled that. And I'm
14 going on the assumption because I
15 thought I smelled that that the whole
16 scenario I come up with was a gas
17 well blew. And that's been my
18 scenario from the minute that I felt
19 that blast until right now. I still
20 say a gas well blew. A lightning
21 strike hit it, and it went to the
22 weakest point, a collar, a bad place
23 in the pipe, a crack in the pipe,
24 maybe it hit the edge of it, and it
25 was leaking gas and it followed it

106

01 down and blew out. I don't know.
02 That's just my theory. I'm sure I
03 smelled it or I wouldn't have --- I
04 don't think I would have remembered
05 it. And then when I went home and
06 took a bath --- any boys that works
07 on oil rigs and gas rigs will tell
08 you the same thing, their clothes is
09 oily. And when I took a bath, there

10 was an oily scum around the shower,
11 which just reinforced my same
12 conclusion that it was a gas well
13 blew. Why, I don't know. I'm just
14 saying. Right or wrong, I'm saying.
15 How that gas got inside there, I
16 don't know. If it was that, I can't
17 tell you. That's just my theory and
18 it don't mean much.

19 Q. You also mentioned that you
20 worked that weekend before?

21 A. Yeah.

22 Q. New Year's weekend?

23 A. Yes, sir. Worked over in the
24 intake, cable bolting.

25 Q. And would that have been

107

01 Saturday and Sunday?

02 A. No, just Saturday.

03 Q. Just Saturday.

04 A. It was either Friday or
05 Saturday. Now, I'm not going to tell
06 you which. I don't remember. We
07 worked our four-day shift and they
08 asked us to come in and cable bolt,
09 and we said all right. I honestly
10 don't --- it was either Friday or
11 Saturday we were in there cable
12 bolting.

13 Q. When would that have been,
14 between One Left and Two Left or
15 outby One Left ---?

16 A. No, outby One Left. Where
17 this charging station was setting,
18 I'm going to --- and I'm guessing,
19 I'm going to say two to three blocks
20 below that charging station. I
21 really don't remember.

22 Q. So it would have been between
23 One Left and Two Right or Two right
24 ---?

25 A. Yeah. Yes, it was probably

108

01 --- I'm going to take a wild guess,
02 20, 25 blocks below the One Left
03 switch.

04 Q. Did you work on day shift?

05 A. Right. They were cable
06 bolting the whole intake all the way
07 outside was my understanding.

08 Q. How many guys worked that
09 shift; do you recall?

10 A. We went in at 6:00. There was
11 three of us, me and Alton and the
12 boss. At seven o'clock there was
13 supposed to have been some people
14 come in. And what they were going to
15 do, I do not know. They had crews
16 come in there that worked different
17 things all the time. But we were in
18 there to cable bolt. They was
19 putting up steel beams across part of
20 the track at different times. I had

21 worked a couple times on that on the
22 weekends. But now where those boys
23 was at and how many of them there
24 was, I have no idea.

25 MR. SWENTOSKY:

109

01 We'll take just a short
02 break and go off the record.

03 SHORT BREAK TAKEN

04 BY MR. SWENTOSKY:

05 Q. Just a couple follow-up here
06 before we get into some training
07 questions. You had mentioned that
08 you built stoppings and did all kind
09 of different things underground, kind
10 of --- a lot of different things.
11 Did you ever participate in the
12 construction of seals?

13 A. Yes, sir.

14 Q. What type of seals?

15 A. Seals to seal up a section.
16 We used 8-inch-by-8-inch-by-16 solid
17 block.

18 Q. Solid concrete block?

19 A. Uh-huh (yes).

20 Q. With niching in the ribs and
21 that type of thing?

22 A. Uh-huh (yes).

23 Q. When you were outside, before
24 going underground, and you had
25 mentioned you were over around the

01 dispatcher that morning, ---
02 A. Uh-huh (yes).
03 Q. --- did you --- was there
04 anything unusual? Did you ever hear
05 any alarms go off or anything that
06 kind of caught your attention ---
07 A. No, sir.
08 Q. --- that occurred?
09 A. Not to my knowledge.
10 Q. Everything was normal?
11 A. As far as I know. Like I say,
12 I was over there --- I was talking to
13 those boys. If I heard anything, I
14 didn't pay no attention to it.
15 Q. These solid concrete block
16 seals, where did you construct those?
17 A. What they call Mon River
18 Mining, down by Maysville at
19 Morgantown.
20 Q. Okay. Do you recall when the
21 last time you had attended an annual
22 refresher training or when you
23 participated in annual refresher
24 training?
25 A. January or February of last
01 year, I believe.
02 Q. It was in the wintertime?
03 A. Yeah.
04 Q. And where was that?
05 A. That was in the training ---

06 or their main office that ICG has
07 over at Mud Lick Road
08 Q. Mud Lick Road, is that ---
09 A. Right.
10 Q. --- is that near Buckhannon?
11 A. Yeah, that's just outside of
12 Buckhannon.
13 Q. Do you recall who conducted
14 that training?
15 A. Again, Ty was his name, and
16 then --- I can't remember his last
17 name.
18 Q. After you completed that
19 training, was there a form that you
20 had to sign of sorts, a paper form?
21 A. Don't even remember that.
22 Q. Okay. Do you recall, was the
23 mine emergency and evacuation
24 firefighting program discussed, in
25 other words, a program for how you

112

01 would --- what you would do during a
02 fire or explosion emergencies?
03 A. Yes, sir. Our boss talked
04 about that every month.
05 Q. During that training, though,
06 did anyone go over a plan or discuss
07 those items?
08 A. I'm sure they did, but I don't
09 remember it.
10 Q. Do you know who the
11 responsible person is at the mine

12 that is, in case of emergencies,
13 fire, explosion, who directs the
14 evacuation, who the responsible
15 person is at the mine?

16 A. The only person that I would
17 know would be the dispatcher. We
18 would call --- if we was inside and
19 we called out, we would get ahold of
20 the dispatcher. Then it would be up
21 to him to --- whoever he would get
22 ahold of. I don't know.

23 Q. But has anyone ever said that
24 he is the responsible person for
25 those conditions?

113

01 A. Not to my knowledge.

02 Q. Were you familiar with the
03 location of the emergency materials,
04 like --- I'm talking about a thousand
05 feet of boards, brattice boards and
06 rolls of curtain, nails, saws?

07 A. Yes, sir.

08 Q. Where is that?

09 A. We keep them within ---
10 probably on the average day I'd say
11 they're probably two blocks behind
12 our power center in a section.

13 Q. Is there another location in
14 the mine where those would be,
15 supplies were located?

16 A. Yes, sir, there is. And I

17 can't tell you where it's at. It's
18 on the track. You see it every day
19 going in and out. It's covered over
20 with brattice cloth.

21 Q. Are you familiar with the
22 evacuation procedures at the mine?

23 A. Yes, sir.

24 Q. Could you explain that to me a
25 little bit?

114

01 A. If we're on a section and we
02 have to evacuate, you're supposed to
03 go --- everybody is supposed to go to
04 the power center so that the boss can
05 make sure all of us are there. And
06 then we get in the intake and we
07 follow the intake all the way
08 outside. If the intake is
09 nonpassable or you can't get through
10 it, then you go to the track and you
11 take the track outside.

12 Q. Okay. Did anyone ever --- you
13 know, during that training or any
14 other time, did anyone ever speak to
15 you what you would do --- what
16 procedure you would use in case of an
17 explosion?

18 A. Not to my knowledge.

19 Q. Was the procedure for
20 barricading discussed during your
21 annual retraining or any other time?

22 A. Well, just what they normally

23 tell us is that if you can't get
24 outside, you barricade. You go get
25 the stuff that's up there and you

115

01 make a barricade, which is pretty
02 good. If we felt we had the time, we
03 would go a whole lot better than
04 that. We would knock a stopping and
05 rebuild it and then mark on it that
06 we were inside of it and how many
07 people was inside. But we would try
08 to --- if we had the time, that's
09 what a lot of us has talked about at
10 different times, that ---.

11 Q. This was prior to the
12 explosion?

13 A. Oh, yeah. This is --- we've
14 talked about this more times than I
15 care to even think about.

16 Q. And that's covered in the
17 training session?

18 A. Not knocking a stopping, no.
19 That's our ---.

20 Q. Yes. Okay.

21 A. That's us. Yeah, you go and
22 get the emergency materials that
23 they've got up there and you build
24 you a barricade. I would suppose
25 that would be left up to the boss as

116

01 to where you would build it.

02 Q. Have you been qualified to
03 make methane tests?
04 A. Yes, sir.
05 Q. Is that using the hands-on and
06 using the detector?
07 A. Yes, sir, in the little box,
08 where they turn the gas on.
09 Q. And who did that and when was
10 that?
11 A. That's been probably two years
12 ago, and I don't remember who done
13 it, because I don't carry it now.
14 The last time they done that without
15 one of them, I didn't even go in and
16 get tested, or I don't believe I did.
17 If I did, I don't remember.
18 Q. Were the hazards of carbon
19 monoxide ever discussed with you ---
20 A. No, not to my knowledge.
21 Q. --- during a training session?
22 A. It could have been, but I
23 don't remember. I do not know.
24 Q. Was there a discussion about
25 escapeways during the training?

117

01 A. Yes, sir. They pretty well
02 discuss that about once a month even
03 at the mines. The safety director
04 will tell everybody --- they'll have
05 meetings usually about once a week,
06 safety meetings, and they tell us
07 what all is going on, and then

08 they'll tell you, this is how you get
09 out and these are the ribbons ---
10 they have colored ribbons hanging on
11 the roof, and you follow those
12 ribbons out. And I can't even now
13 tell you what the color of the
14 ribbons are. They have the track,
15 the belt, the intake and return
16 marked with a different colored
17 ribbon. I don't even remember what
18 they are.

19 Q. Was it ribbons or would it be
20 reflectors?

21 A. Reflectors. I say ribbons,
22 but they're reflectors that you see
23 people buy all the time and put along
24 their driveways and stuff, the little
25 round green ones.

118

01 Q. And what colors are used for
02 the primary?

03 A. I can't tell you.

04 Q. Secondary?

05 A. I can't tell you none of them.
06 I know them all, but there's no way
07 I'm even going to try to tell you
08 what they are. I just don't know.

09 Q. Did you ever participate in an
10 escapeway drill? By that I mean did
11 you ever walk out of the escapeway,
12 out a section to the surface or ---?

13 A. No, sir, not --- not up here
14 on these sections here. When we was
15 down below, I come out a couple
16 different times. But that's
17 been ---.
18 Q. Down below, meaning ---?
19 A. First Right section. I walked
20 out a couple times then.
21 Q. When you were in a different
22 section of Sago Mine?
23 A. Right. It's the same part of
24 the mine, but it's way back behind.
25 Q. Okay.

119

01 A. First Right was way back
02 behind. That's been ---
03 Q. And you walked ---?
04 A. --- more than a year ago, a
05 year and a half.
06 Q. And you walked out with your
07 section foreman?
08 A. Yes.
09 Q. To the surface?
10 A. Yes, sir, up to the fan.
11 Q. And who did you walk with; do
12 you remember?
13 A. No.
14 Q. And that was the primary that
15 you walked out?
16 A. Right. That's air intake.
17 I've walked the track 50 times.
18 Q. Did you ever participate in a

19 fire drill?

20 A. Yes, sir.

21 Q. Tell me a little bit about
22 that. What did you do or how did
23 that --- was that procedure ---?

24 A. The boss would come up and
25 say, okay, we've got a fire. The

120

01 easiest thing to be was on the miner.

02 Normally they picked the easiest

03 thing. And that's the easiest thing

04 because there's already water there.

05 Each person has a different job. I

06 go get --- me and the bolter

07 operator, we go get bags of rock

08 dust, fire extinguishers. They're

09 supposed to get a hose. They got

10 certain guys to do that. Once we get

11 stuff, then we go help them, and they

12 roll out a hose. But if the miner's

13 --- if you're up beside the miner,

14 and that's normally what they use,

15 you break the water line going into

16 the miner, which is a two-inch line.

17 You break it and use it. That way

18 you don't --- it saves them a little

19 time and us, too, because we just

20 have to unroll the water line and run

21 it up through the miner. So it's

22 easier to just say, okay, break that

23 line and that gives you your water.

24 Their scenario is, is you take the
25 axe and you cut the lining tube.

121

01 Q. Where was it? What section
02 was that in? Was that in the One
03 Left --- while you were in the One
04 Left section?

05 A. The mains. We was driving the
06 mains, and then we turned down One
07 left. So I'm saying it's all the
08 same to me, is One Left section.

09 Q. And how long ago was that; do
10 you recall?

11 A. It's been a couple of months,
12 three months.

13 Q. Since you had ---

14 A. Four months.

15 Q. --- this fire drill?

16 A. Yes. It's been quite a while.

17 Q. Did your whole crew
18 participate in that or ---?

19 A. Yes. They use the whole crew.
20 They tell each person, this is what
21 you're supposed to do. This is where
22 you go. This is what you do. One
23 person goes to the phone.

24 Q. And you actually did those
25 scenarios that you're giving me?

122

01 A. Yes.

02 Q. And would that have been Mr.
03 Jones who would have been ---

04 A. Yes, sir.
05 Q. --- your supervisor at that
06 time?
07 A. And like I say, that's ---
08 it's been so --- it would have to be
09 three or four months.
10 Q. SCSR training, do you recall
11 having SCSR training, self-rescuer
12 training?
13 A. Yes, sir. That's been quite a
14 while back, too. The safety director
15 would come out once in a while and
16 talk to us about how to do it. But
17 he would just talk to us. Most of us
18 could --- we've heard it so many
19 times, we could do it in our sleep.
20 But then when you have to do it, it's
21 a different --- it's really, really
22 ---.
23 Q. During your annual refresher,
24 did you have to actually show how
25 you're going to put it on or simulate

123

01 how you would put it on?
02 A. Yes. Each person put it on.
03 They stuck it back in the canister
04 and they didn't seal it or nothing
05 like that. They just tried to get it
06 back in as well as you could. And
07 once --- because it's not supposed to
08 be put back in once it's popped out.

09 And then you'd put it on.
10 Q. It's like a training model?
11 A. Yeah, it's a training model.
12 Each person in the whole crew put it
13 on, boss all the way down, every one
14 of us.
15 Q. So you actually put it around
16 your neck and ---?
17 A. Yeah, put the goggles on. The
18 only thing we didn't do is we didn't
19 put the breathing apparatus in our
20 mouth.
21 Q. Whenever you did that, do they
22 teach you like to get down on your
23 knees or anything like that and ---?
24 A. Yes, sir. That's how they
25 wanted you to do it. But we didn't
124
01 get down on our knees. We just ---
02 it was right there on the table, and
03 then we just done it right off the
04 table. It made it a little easier to
05 slide back and forth.
06 Q. Was first-aid training
07 provided during that retraining
08 session?
09 A. That I can't tell you. I'm
10 sure there was something, but I can't
11 remember now what it was.
12 Q. But you don't know whether ---
13 you don't recall whether or not they
14 did or did not?

15 A. No, I can' t.
16 Q. How about the roof control
17 plan, do you recall it being reviewed
18 with you ---
19 A. Yes, si r.
20 Q. --- and di scussed?
21 A. Yeah. Yeah, I remember that.
22 Q. How about the ventilation
23 plan?
24 A. Yeah.
25 Q. When changes are made in the

125

01 escapeway routes and that, do they
02 --- do you recall anyone talking to
03 you about those type things?
04 A. No. I would go on the
05 assumption that if they made changes
06 in that, that they would have the
07 reflectors hung so that you would
08 follow them out.
09 Q. Have you had an occasi on
10 whenever the safety di rector or
11 someone else would say, hey, we
12 changed the escapeway routes? Do you
13 recall that at all? Do they tell you
14 where they changed them to?
15 A. No, si r.
16 Q. Do you feel that the training
17 you recei ved was adequate?
18 A. Yes.
19 Q. Is there anythi ng else that

20 you think should be added to the
21 training sessions that might help?
22 A. No, not that --- things that
23 we might mention later on, when all
24 this is over with that may help. But
25 until we can get it --- there's a

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01 couple of us who got things in our
02 mind. But until we can get it
03 formulated, I'm not going to say.
04 This eight-hour course they give us,
05 I think it can be upped quite a bit
06 more, and we're going to discuss
07 that. That's two or three of us
08 that's talked about that. But that's
09 up to us. This is going to kind of
10 be like an in-house training-type
11 thing for us, nothing that the
12 industry would --- maybe they would
13 or wouldn't, I don't know. But until
14 we can get what we want to talk to
15 them about straightened out, I
16 wouldn't want to mention it.

17 Q. Have you ever been searched
18 for smoking articles?

19 A. Yes, sir.

20 Q. How do they do that?

21 A. They walk up and pat you on
22 the --- pat you up here and they pat
23 your pants and your legs.

24 Q. And your shirt?

25 A. Your shirt and your pants.

01 Sometimes they'll pat you on the
02 bottom of your boots where your sock
03 comes up. Some boys used to hide
04 their cigarettes in their socks.
05 I've worked in one or two mines that
06 they did smoke in.

07 Q. How often do they conduct
08 those searches?

09 A. It's been a couple, three
10 months since the last time Owen come
11 up to us and patted us on the back
12 and walked us around.

13 Q. Is it always your section
14 foreman that does that?

15 A. Yeah.

16 Q. And I guess you already said
17 you observed --- have you ever
18 observed someone smoking underground?

19 A. Not in the last 15 years, 10
20 or 15 years. It used to be a common
21 practice.

22 Q. Have you ever found any
23 smoking articles underground?

24 A. No, sir, not in the last 10,
25 15 years. No. That would cause a

01 lot of repercussions that somebody
02 that smokes wouldn't want to get
03 into. It probably wouldn't get
04 outside, I'll put it to you that way.

05 That would be an in-house issue at
06 the time.

07 ATTORNEY WILSON:

08 Just a point of
09 clarification.

10 BY ATTORNEY WILSON:

11 Q. You indicated earlier that the
12 fire boss on the weekend was Fred
13 somebody. Would that have been Mr.
14 Jamison; do you know?

15 A. Yeah, I think that's his last
16 name, Fred Jamison, and Terry Helms.
17 They normally run together. They was
18 the two that --- on the weekends.
19 When we'd come in on Sundays, they'd
20 normally come in and done all that
21 for us.

22 BY MR. SWENTOSKY:

23 Q. Has anyone offered you
24 anything or made any promise to you
25 in exchange for your appearing here

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01 today?

02 A. No, sir.

03 Q. And again, do you have
04 anything else that you would like to
05 share with us before we close?

06 A. No, sir.

07 MR. SWENTOSKY:

08 On behalf of MSHA, I
09 would like to thank you for
10 appearing and answering the

11 questions here today. Your
12 cooperation is very important
13 to the investigation, as we
14 work to determine the cause of
15 the accident.

16 We ask that you not
17 discuss your testimony with
18 any person who may have
19 already been interviewed or
20 who may be interviewed in the
21 future. This will ensure that
22 we obtain everyone's
23 independent recollection of
24 the events surrounding the
25 accident. After questioning

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01 other witnesses, we may call
02 you if we have any follow-up
03 questions that we feel we need
04 to ask you. If at any time
05 you have additional
06 information regarding the
07 accident that you would like
08 to provide to us, please
09 contact us at the contact
10 information that was
11 previously provided to you.
12 And that was that --- those
13 business cards we provided
14 you.

15 The Mine Act provides

16 certain protecti ons to mi ners
17 who provide i nformati on to
18 MSHA, and as a resul t, are
19 treated adversely. If at any
20 time you believe that you have
21 been treated unfa irly because
22 of your cooperati on i n thi s
23 i nvesti gati on, you shoul d
24 immedi ately noti fy MSHA.
25 If you wi sh, you may

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01 now go back over any answer
02 you have given duri ng thi s
03 i ntervi ew, and you may also
04 make a stateme nt that you
05 woul d like to make at thi s
06 time. Do you have anythi ng?
07 A. No.

08 MR. SWENTOSKY:
09 All ri ght. Agai n,
10 thanks for your cooperati on i n
11 thi s matter, si r.

12 A. You' re wel come, si r. You' re
13 wel come.

14
15 * * * * *
16 SWORN STATEMENT
17 CONCLUDED AT 2: 33 P. M.
18 * * * * *

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