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**Transcript of the Testimony of Jacob Doss**

**Date:** August 31, 2010

**Case:**

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STATEMENT UNDER OATH  
OF  
JACOB DOSS

taken pursuant to Notice by Alison Salyards, a Court Reporter and Notary Public in and for the State of West Virginia, at the National Mine Health and Safety Academy, 1301 Airport Road, Room C-137, Beaver, West Virginia, on Tuesday, August 31, 2010, beginning at 1:10 p.m.

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1                   A P P E A R A N C E S (cont.)

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EXHIBIT PAGE

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NUMBER	DESCRIPTION	IDENTIFIED
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\* Exhibit not attached

P R O C E E D I N G S

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ATTORNEY BAXTER:

My name is Derek Baxter. Today is August 31st, 2010. I'm with the Office of the Solicitor, U.S. Department of Labor. With me is Erik Sherer, an accident investigator with the Mine Safety and Health Administration, MSHA, an agency of the United States Department of Labor. Also present are several people from the State of West Virginia. I ask that they state their appearance for the record.

MR. FARLEY:

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

MR. TUCKER:

Bill Tucker with the Office of Miners' Health, Safety and Training.

ATTORNEY KOERBER:

Barry Koerber, Assistant Attorney General assigned to represent the West Virginia Office of Miners' Health, Safety and Training.

MS. SPENCE:

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

ATTORNEY BAXTER:

1 There are also several members of the  
2 investigation team present in the room today. And Mr.  
3 Sherer, Mr. Farley and Ms. Spence will be conducting  
4 the questioning today. Will you please swear in the  
5 witness?

6 -----  
7 JACOB DOSS, HAVING FIRST BEEN DULY SWORN, TESTIFIED AS  
8 FOLLOWS:  
9 -----

10 ATTORNEY KOERBER:

11 Sir, would you please state your full  
12 name for the record and spell your last?

13 A. Jacob William Doss, D-O-S-S.

14 ATTORNEY KOERBER:

15 And would you please state your address  
16 and telephone number?

17 A. [REDACTED]

18 [REDACTED] Phone number [REDACTED].

19 ATTORNEY KOERBER:

20 And are you expecting an attorney or a  
21 personal representative to appear here with you today?

22 A. No.

23 ATTORNEY KOERBER:

24 Are you appearing here as a result of  
25 being served with a subpoena?



1 A. Yes.

2 ATTORNEY KOERBER:

3 And would this be a copy of that  
4 subpoena?

5 A. Yes.

6 ATTORNEY KOERBER:

7 Okay. I'd like that to be marked as  
8 Exhibit One.

9 (Doss Exhibit One marked for  
10 identification.)

11 ATTORNEY KOERBER:

12 This is a copy of the return of service  
13 that was completed by the Boone County Sheriff's  
14 Office that served you on August 11th that I'd like to  
15 be Exhibit Two.

16 (Doss Exhibit Two marked for  
17 identification.)

18 ATTORNEY KOERBER:

19 And then this is a copy of the green card  
20 showing receipt of the certified mail subpoena on  
21 August 16th, 2010.

22 ATTORNEY BAXTER:

23 Is this a separate exhibit?

24 ATTORNEY KOERBER:

25 Yeah.

1 ATTORNEY BAXTER:

2 Okay.

3 ATTORNEY KOERBER:

4 Two and ---.

5 ATTORNEY BAXTER:

6 Exhibit Three?

7 ATTORNEY KOERBER:

8 Two and Three, yeah, please.

9 (Exhibit Three marked for  
10 identification.)

11 ATTORNEY KOERBER:

12 Sir, the statute that authorizes the

13 Director to subpoena witnesses to appear at interviews  
14 such as this requires the Director to offer to each  
15 witness a \$40 a day witness fee plus roundtrip mileage  
16 from your home to here and back at the rate of 15  
17 cents a mile, so long as you drove in your personal  
18 vehicle, plus reimbursement for any tolls that you may  
19 pass coming here or going back. I spoke briefly with  
20 you prior to the interview and I believe you stated  
21 that you would like to fill out those forms after the  
22 interview?

23 A. Yes.

24 ATTORNEY KOERBER:

25 Okay. I have those forms with Mr.

1 Tucker. If you would get to him --- I mean get with  
2 him when the interview is completed and fill those  
3 forms out, he will make sure I get them back and I'll  
4 get them submitted properly. No other questions.

5 ATTORNEY BAXTER:

6 Okay. All members of the Mine Safety and  
7 Health Accident Investigation Team and all members of  
8 the State of West Virginia Accident Investigation Team  
9 participating in the investigation of the Upper Big  
10 Branch Mine explosion shall keep confidential all  
11 information that is gathered from each witness who  
12 provides a statement until the witness statements are  
13 officially released. MSHA and the State of West  
14 Virginia shall keep this information confidential so  
15 that other ongoing enforcement activities are not  
16 prejudiced or jeopardized by a premature release of  
17 information. This confidentiality requirement shall  
18 not preclude investigation team members from sharing  
19 information with each other or with other law  
20 enforcement officials. The team members'  
21 participation in this interview constitutes their  
22 agreement to keep this information confidential.  
23 Government investigators and specialists  
24 have been assigned to investigate the conditions,  
25 events and circumstances surrounding the fatalities

1 that occurred at the Upper Big Branch Mine-South on  
2 April 5th, 2010. The investigation is being conducted  
3 by MSHA under Section 103(a) of the Federal Mine  
4 Safety and Health Act and the West Virginia Office of  
5 Miners' Health, Safety and Training. We appreciate  
6 your assistance in this investigation.

7 You may have your personal attorney  
8 present during the taking of this statement or another  
9 personal representative if MSHA has permitted it and  
10 may consult with your attorney or the representative  
11 at any time. You may also request a break at any  
12 time.

13 Your identity and the content of this  
14 conversation will be made public at the conclusion of  
15 the interview process and may be included in the  
16 public report of the accident, unless you request that  
17 your identity remain confidential or your information  
18 would otherwise jeopardize a potential criminal  
19 investigation. If you request us to keep your  
20 identity confidential, we will do so to the extent  
21 permitted by law. That means that if a judge orders  
22 us to reveal your name or if another law requires us  
23 to reveal your name or if we need to reveal your name  
24 for other law enforcement purposes, we may do so.  
25 Also, there may be a need to use the information you

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

4 A. Yes.

5 ATTORNEY BAXTER:

6 Do you have any questions?

7 A. No.

8 ATTORNEY BAXTER:

9 After the investigation is complete, MSHA  
10 will issue a public report detailing the nature and  
11 causes of the fatalities in the hope that greater  
12 awareness about the causes of accidents can reduce  
13 their occurrence in the future. Information obtained  
14 through witness interviews is frequently included in  
15 these reports. Since we will be interviewing other  
16 individuals, we request that you not discuss your  
17 testimony with any person aside from your personal  
18 representative or counsel.

19 A court reporter will record your  
20 interview. Please speak loudly and clearly. If you  
21 do not understand a question asked, please ask us to  
22 rephrase it. Please answer each question as fully as  
23 you can, including any information you have learned  
24 from someone else.

25 I'd like to thank you in advance for your

1 appearance here. We appreciate your assistance in  
2 this investigation. Your cooperation is critical in  
3 making the nation's mines safer.

4 After we have finished asking questions,  
5 you will have an opportunity to make a statement and  
6 provide us with any other information that you believe  
7 to be important. If at any time after the interview  
8 you recall any additional information that you believe  
9 might be useful, please contact Norman Page at MSHA at  
10 the telephone number or e-mail address provided to  
11 you.

12 Any statements given by miner witnesses  
13 to MSHA are considered to be an exercise of statutory  
14 rights and protected activity under Section 105(c) of  
15 the Mine Act. If you believe any discharge,  
16 discrimination or other adverse action is taken  
17 against you as a result of your cooperation with this  
18 investigation, you are encouraged to immediately  
19 contact MSHA and file a complaint under Section 105(c)  
20 of the Act.

21 MR. FARLEY:

22 Mr. Doss, on behalf of the Office of  
23 Miners' Health, Safety and Training, I'd like to  
24 inform you that the West Virginia State Mining  
25 Regulations also provide protection against potential

1 discrimination that might result from participating in  
2 these type interviews. I'd like to pass along some  
3 contact information to you from --- for the West  
4 Virginia Board of Appeals. The board is charged with  
5 hearing complaints from miners concerning  
6 discrimination.

7 And should you experience any problems,  
8 you should contact the board immediately. Now, I  
9 would caution you, if you do have a problem, you need  
10 to file a complaint within 30 days of whenever it  
11 occurs; okay?

12 EXAMINATION

13 BY MR. SHERER:

14 Q. First thing I want to do, Mr. Doss, is thank you  
15 for coming down there. This is very important to us,  
16 because we're still trying to determine what led up to  
17 this explosion, and we're doing that for two reasons.  
18 One is the families and the friends and the coworkers  
19 of the victims deserve to know what happened. And the  
20 other reason is we want to prevent this in the future,  
21 so anything you share with us is greatly appreciated.  
22 Roughly, how many years of mining experience do you  
23 have?

24 A. A little over two years.

25 Q. Okay. When did you start with the Massey

1 organization?

2 A. Started with Massey back August ---

3 Q. Okay.

4 A. --- 26th.

5 Q. Who'd you work for prior to that?

6 A. I worked for David Stanley for three months.

7 Q. Okay. When did you first start working at Upper  
8 Big Branch?

9 A. November 11th, 2008.

10 Q. Okay. And that was with David Stanley  
11 Consultants?

12 A. No, I was already hired in for Massey from Marsh  
13 Fork.

14 Q. Oh, okay. What was your job description prior to  
15 the explosion?

16 A. Roof bolter.

17 Q. Roof bolter. Which section did you work on?

18 A. I was working on --- I was working on outby, but  
19 three months prior to that I was working on One  
20 section.

21 Q. Okay. And One section ---?

22 A. Headgate 22.

23 Q. Headgate 22. Which shift did you normally work?

24 A. Evening shift.

25 Q. Evening shift. And you say immediately prior to



1 the explosion you were working outby?

2 A. Yes.

3 Q. Where were you working outby?

4 A. I put in a head drive --- well, the Mother Drive  
5 off of Headgate 22 down towards the Glory Holy.

6 Q. Oh, okay.

7 A. We put that in. Right after that --- we finished  
8 it up --- we went down towards the Ellis punch-out  
9 side 15 breaks in and was cutting out another one to  
10 set up a belt drive.

11 Q. Okay. Who were you working for? Who was your  
12 boss when you were doing that outby work?

13 A. As in boss, you mean supervisor or ---

14 Q. Sure.

15 A. --- the foreman? It was Everett Hager.

16 Q. Everett Hager. Was there a foreman assigned to  
17 that work?

18 A. Yes, Marvin Perdue.

19 Q. Okay. When you were working on the Mother Drive  
20 at Headgate 22, what was the ventilation like there?

21 A. The ventilation was fine. There really wasn't a  
22 whole lot of ---. We never even messed with the  
23 airflow on it.

24 Q. Okay.

25 A. They always run it up towards the track entry

1 before we even started splitting the blocks.

2 Q. Okay. Did you have a --- where'd the return go?

3 A. The return was down toward --- come back down the  
4 track entry.

5 Q. Okay.

6 A. It was one of them that we got the best airflow  
7 off of.

8 Q. Okay. You guys split a lot of blocks up there,  
9 didn't you?

10 A. Split three blocks up there.

11 Q. Yeah. About when did you go from the 22 Headgate  
12 Mother Drive down to the Ellis Portal?

13 A. It was probably --- we was down there probably  
14 about three weeks.

15 Q. Okay. And we understand that you were cutting  
16 some belts channels and overcasts and things like  
17 that.

18 A. Yes.

19 Q. Did you have to split any blocks down there?

20 A. No.

21 Q. Okay. How was that going?

22 A. It was going good, no trouble.

23 Q. Yeah. What's the last shift you worked prior to  
24 the explosion?

25 A. It was the day that it happened. I was outside at

1 3:05.

2 Q. Okay. What's the last shift prior to that that  
3 you were there?

4 A. Prior to that was the day --- was that day before,  
5 April the 4th.

6 Q. So it'd be Sunday evening?

7 A. It was actually Saturday.

8 Q. Okay, Saturday evening.

9 A. I'm just saying I really don't count the days off  
10 as that. I just go back a day.

11 Q. Sure, uh-huh (yes). When you were there Saturday  
12 evening --- I assume you were working near the Ellis  
13 portal.

14 A. Uh-huh (yes).

15 Q. Did you notice anything unusual?

16 A. No, because we come in to really just check out  
17 what we was doing, and that was just an extra shift  
18 for me.

19 Q. Oh, okay.

20 A. The Friday --- I believe it was the weekend that  
21 we got off. I'm not sure it was a Friday, Saturday  
22 and Sunday, and that Thursday was the last time that  
23 we did anything, cutting or moving anything.

24 Q. Okay. So Friday and Saturday you were just kind  
25 of doing dead work?

1 A. I didn't come in Friday.

2 Q. Oh, you didn't come in Friday.

3 A. No, I just come in Saturday just to fix up that  
4 belt channel.

5 Q. Oh, okay.

6 A. We just come up to move a few things and that was  
7 it, just a few hours.

8 Q. Okay. Did you do any bolting on Saturday?

9 A. No.

10 Q. Okay.

11 A. The last time I bolted was that Tuesday.

12 Q. Oh, okay.

13 A. And that was an overcast across the track.

14 Q. Okay. Did they split the track on Saturday? Do  
15 you recall?

16 A. Split the track as in ---?

17 Q. Or break the track?

18 A. No.

19 Q. Okay.

20 A. The track was broke on --- I don't think it was  
21 broke when I was there.

22 Q. Okay.

23 A. I was thinking Thursday, but I believe it was just  
24 gobbed out.

25 Q. Oh, okay.

1 A. And we cleaned it out that evening on that day  
2 before we left.

3 Q. Okay. I'd heard from somebody they had to break  
4 the track.

5 A. I don't think we broke the track there. I think  
6 that was up towards, going in towards North Mains ---

7 Q. Okay.

8 A. --- where they cut out that overcast to get the  
9 miner up. There was a hill.

10 Q. Oh, okay.

11 A. They couldn't get the miner up it without breaking  
12 the track and pulling it back. But they had a mantrip  
13 on the other side as a --- to get out.

14 Q. Sure. Okay. Now, when you were there Saturday  
15 evening, did you hear anything that was unusual,  
16 anybody ---

17 A. No.

18 Q. --- talking on ---?

19 A. I was there --- it was actually Saturday morning.

20 Q. Okay.

21 A. It was earlier in the day. I come in just to help  
22 out, just to clean up.

23 Q. Okay.

24 A. And we was going to set up that belt head, and  
25 when they left Thursday, they had it set up. All they

1 needed to do was put the belt head on.

2 Q. Okay.

3 A. So we come in to do --- we was stopped on doing  
4 that, cleaned the track and everything up there.

5 Q. Okay. Did you notice anybody unusual coming into  
6 or going out of the mine?

7 A. No.

8 Q. Okay. You said you bolted some up on the 22  
9 Headgate.

10 A. Yes.

11 Q. Which shift did you work when you were doing that?

12 A. Evening shift.

13 Q. Evening. Who was your boss when you were doing  
14 that?

15 A. It was Rick Hutchens.

16 Q. Okay. And he's sometimes known as Smurf?

17 A. The Smurf.

18 Q. Okay. What did you think about 22 Headgate?

19 A. It was all right. It just had low air.

20 Q. Did you have trouble getting enough air to bolt?

21 A. No, not really. Just sometimes if we would come  
22 in and we wouldn't have enough air, we'd fix it and  
23 it'd be fine. Come in the next day, it'd be the same  
24 thing.

25 Q. Okay. What ---?

1 A. Just --- go ahead.

2 Q. Go ahead.

3 A. Oh, I was just going to tell you, it's just little  
4 stuff, and the stoppings, just some cracks and stuff  
5 like that we sealed up on the way up there.

6 Q. Okay. So you just had to go patch up your  
7 ventilation system?

8 A. Yeah, yes. It was probably maybe a couple times  
9 out of the month we had to do that.

10 Q. Okay.

11 A. Just little holes where the cables run through or  
12 some hoses that they wouldn't patch up.

13 Q. Okay.

14 A. But any other time it was just rerouting the  
15 ventilation, just getting it to push harder.

16 Q. Okay. When you were bolting on 22 Headgate, did  
17 you have a methane detector?

18 A. Yes.

19 Q. What's the highest methane reading you recall?

20 A. On that right there?

21 Q. Uh-huh (yes).

22 A. It's probably .3.

23 Q. Okay. What was the roof and ribs like on 22  
24 Headgate?

25 A. Horrible.

1 Q. Horrible. Any ---

2 A. Top ---.

3 Q. --- particular reason?

4 A. Top was stackrock and the ribs kept rolling out.

5 Too much pressure on them.

6 Q. Did you guys bolt the ribs?

7 A. Yes.

8 Q. What size of bolts were you using?

9 A. Six-foot torque tensions.

10 Q. Good size of bolts. Were you doing any

11 supplemental support, like cable bolts or anything?

12 A. Yeah, we cable bolted a few places that was

13 working, maybe four entries out of the whole panel.

14 Q. Okay. Do you recall what length of cable bolts

15 you were using?

16 A. No, we used the eight-foot cable bolts, and that

17 one time we used ten for the center and entry.

18 Q. Okay. Did you do any mesh up on the 22 Headgate?

19 A. We meshed the whole entire beltline.

20 Q. Okay.

21 A. And eight-foot cable bolts on that, six-foot

22 torque tensions.

23 Q. That's a lot of steel.

24 A. Took a whole other crew on hoot owl to do it.

25 Q. When you were on 22 Headgate, was the floor



1 heaving or hooving up there?

2 A. No, it just had dips every now and then where the  
3 bottom cracked apart and they cleaned it up.

4 Q. Okay. Just busted through?

5 A. Yeah, just busted through, sometimes anywhere from  
6 six inches to eight inches from trying to tram the  
7 miner around.

8 Q. Okay. Does anything stand out as being unusual  
9 when you were up on 22 Headgate?

10 A. No.

11 Q. Okay. Did you ever have any occasion to walk down  
12 through this connector?

13 A. Yes.

14 Q. What was the rock dust like through there?

15 A. The rock dust on the ribs?

16 Q. Or rock dust anywhere.

17 A. Oh, anywhere? Rock dust, they always rock dusted  
18 it, and then ---

19 Q. Okay, sure.

20 A. --- they done the intake. The last time I was  
21 there, up on the section, I know they rock dusted it  
22 twice, the entire intake, now, before Two section  
23 started.

24 Q. Okay.

25 A. And that's on Tailgate 22 that they were starting

1 up.

2 Q. What about float coal dust? Was there ever float  
3 coal dust on top of the rock dust?

4 A. No, not really.

5 Q. Okay.

6 A. I mean except for where ---. The only time that  
7 we ever --- well, it really wasn't coal dust. It was  
8 actually rock dust where it fell out right there in  
9 that intake area.

10 Q. Uh-huh (yes). Just a big rock fall?

11 A. Yes.

12 Q. Okay.

13 ATTORNEY BAXTER:

14 And Erik, you're indicating the rock fall  
15 in the connector?

16 MR. SHERER:

17 Yeah, uh-huh (yes). The Number Three  
18 entry of the connector.

19 BY MR. SHERER:

20 Q. Did you guys have any doors or other ventilation  
21 controls that were installed around this Mother Drive  
22 at the 22 Headgate?

23 A. No.

24 Q. When you were either on the 22 Headgate  
25 development or when you were working on this Mother

1 Drive, did you hear or feel any unusual thumps or  
2 bumps?

3 A. No.

4 Q. Okay. When you were on the 22 Headgate, was there  
5 much bubbling in the water holes and puddles?

6 A. No, not a whole lot. There was a couple spots up  
7 against the rib, but it wasn't reading anything.

8 Q. Okay. Were you ever near a mine phone or possibly  
9 somebody come up and told you --- did you ever get any  
10 notification that inspectors were on the property?

11 A. I didn't know until they come up and talked to us.

12 Q. Oh, okay.

13 A. And when we was on Headgate 22 and the Mother  
14 Drive, we didn't --- we had no clue.

15 Q. Okay. Do you think the ventilation in this mine  
16 was adequate?

17 A. No.

18 Q. Could you give me some examples of why you don't  
19 think that?

20 A. Split the air too many times.

21 Q. What did you think about all the track doors they  
22 had in this mine?

23 A. Didn't like it.

24 Q. You ever come up on those and find any of them  
25 open?

1 A. No. One was damaged one time.

2 Q. Okay.

3 A. But it would still shut.

4 Q. Okay. Why didn't you like them?

5 A. Just it was the wrong way of ventilating.

6 Should've been an overcast overtop of the belt.

7 Q. Sure.

8 A. Air --- you know, air leaks through the door.

9 Q. Uh-huh (yes). Did you ever hear anybody talking  
10 about bridging out methane monitors?

11 A. No.

12 Q. Okay. Ever see anybody bridging out a methane  
13 monitor?

14 A. No.

15 MR. SHERER:

16 Okay. That's all the questions I've got  
17 for right now.

18 EXAMINATION

19 BY MR. FARLEY:

20 Q. Mr. Doss?

21 A. Yes.

22 Q. When the top was being cut at the belt drive  
23 location close to Ellis, which way did the dust  
24 travel?

25 A. We traveled it down to the return on the North

1 Mains side. That's the way it was cut. It would go  
2 down ---

3 Q. Okay.

4 A. --- and come back.

5 Q. Okay. Now, was that on April 5th, the way it was  
6 going on April 5th?

7 A. No, I think it was fixed, then. The reason why I  
8 say fixed is because they --- well, we didn't go over  
9 into the North Mains side until after we cut it out.  
10 And then once they started on cutting overcasts out  
11 above the track, the air was going down and out.

12 Q. But were you there on April 5th?

13 A. Yes.

14 Q. Okay. And which way was it going on April 5th?

15 A. The return from the ---. Where we cut it out for  
16 the beltline, that was no longer used. It was  
17 actually in the Number Four entry, and it went from  
18 Number Four all the way over and down the old return.

19 Q. Okay. So were you there all day on April the 5th?

20 A. Yes.

21 Q. Okay. Now, were you around the mining machine to  
22 see this?

23 A. Not as the one that they were cutting out the  
24 overcast. We was already done setting up the belt on  
25 April 5th.

1 Q. Okay.

2 A. We had another crew that was cutting out for an  
3 overcast and you know, fixing stoppings.

4 Q. Okay. But did you actually observe the mining  
5 machine cut?

6 A. No, I did not observe it.

7 Q. Okay.

8 A. I was five breaks away from that.

9 Q. Okay.

10 A. I'm going outby.

11 Q. You were outby it?

12 A. Outby it.

13 Q. Okay. So you wouldn't actually have been able to  
14 see which way the dust was going?

15 A. No.

16 Q. Okay. Were you around there on Saturday, April  
17 3rd, when that area --- when that roof was being cut  
18 in that area?

19 A. No, they did not cut it out then. They started it  
20 on ---. They did. They started on that Thursday and  
21 had it bolted. I was up around there to clean that  
22 track up. We went up and just traveled the air ---  
23 and traveled up the track and back down, check  
24 everything.

25 Q. Okay. Now, did you actually observe any cut into

1 the roof ---

2 A. No.

3 Q. --- at that point?

4 A. No.

5 Q. Okay.

6 A. I come up on the other entry. We went up and went  
7 through the doors, went down and checked out the power  
8 center we put in that they were supposed to have  
9 hooked up for us to set a pump.

10 Q. Okay. So you didn't actually observe the miner  
11 cutting ---

12 A. No, I did not observe the miner cutting.

13 Q. --- any time?

14 A. No.

15 Q. All right. I got you. On Saturday, April the  
16 3rd, what time did you leave the mine that day?

17 A. It was around 11 o'clock.

18 Q. P.M.?

19 A. A.M.

20 Q. A.M.?

21 A. Yes.

22 Q. Okay. Who was around the mine that day, outside?

23 A. Outside there was a fire boss and there was a guy  
24 come in at eight o'clock to come up and help me.

25 Q. Okay. All right. Was a general mine foreman or

1 superintendent around?

2 A. We had just a foreman up there and the  
3 superintendent was up there that day with the fire  
4 bosses, checking the books.

5 Q. Okay. Now, would that have been Mr. Moore and Mr.  
6 Hager?

7 A. Yeah, Mr. Moore.

8 MR. FARLEY:

9 Okay.

10 MS. SPENCE:

11 I don't have anything.

12 RE-EXAMINATION

13 BY MR. SHERER:

14 Q. I have one additional question.

15 A. Okay.

16 Q. When you were working on the 22 Headgate ---

17 A. Uh-huh (yes).

18 Q. --- end of the shift, maybe later on after you got  
19 back home, did you feel unusually tired or exhausted?

20 A. No.

21 MR. SHERER:

22 Okay. Thank you.

23 ATTORNEY BAXTER:

24 Okay. On behalf of MSHA and the Office

25 of Miners' Health, Safety and Training I want to thank



1 you for appearing and answering questions today. Your  
2 cooperation is very important to the investigation as  
3 we work to determine the cause of the accident. We  
4 request that you not discuss your testimony with any  
5 person aside from your personal representative. After  
6 questioning other witnesses, we may call you if we  
7 have any follow-up questions. If at any time you have  
8 additional information regarding the accident that you  
9 would like to provide to us, please contact us at the  
10 contact information that was previously provided to  
11 you.

12 If you wish, you may now go back over any  
13 answer you've given during this interview, and you may  
14 also make any statement that you'd like to make at  
15 this time.

16 A. No.

17 ATTORNEY BAXTER:

18 Okay. Again, I want to thank you for  
19 your cooperation in this matter.

20 \* \* \* \* \*

21 STATEMENT UNDER OATH CONCLUDED AT 1:37 P.M.

22 \* \* \* \* \*

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1 STATE OF WEST VIRGINIA )

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CERTIFICATE

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



*Alison Salyards*