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EXAMINATION INDEX

JACKIE STOVER, II	PAGE
BY MR. FARLEY	11
BY MR. VANCE	16
BY MR. MCGINLEY	26
RE BY MR. FARLEY	43
RE BY MR. VANCE	45
RE BY MR. MCGINLEY	46

EXHIBIT INDEX

Exhibit	PAGE
1 Subpoena	9

1 MR. KOERBER: My name is Barry
2 Koerber. I'm the Assistant Attorney
3 General, and I'm assigned to represent the
4 West Virginia Office of Miners' Health
5 Safety & Training.

6 Today is October 28th, 2010. We
7 are here to conduct interviews pertaining
8 to the investigation of the April 5th,
9 2010 mine explosion at the Upper Big
10 Branch Mine.

11 I also have two individuals here
12 from the Office of Miners' Health Safety &
13 Training. I ask at this point in time
14 they identify themselves.

15 MR. FARLEY: I'm Terry Farley.

16 MR. O'BRIEN: I'm John O'Brien.

17 MR. KOERBER: We also have two
18 other investigation teams present. I'd
19 ask that they identify themselves and the
20 team that they are on.

21 MR. VANCE: Jerry Vance.

22 MR. KOERBER: With?

23 MR. VANCE: Miners' Safety and
24 Health Administration.

1 MR. BAXTER: I'm Derek Baxter,
2 the Office of the Solicitor, Department of
3 Labor.

4 MR. MCGINLEY: Patrick McGinley
5 with the Governor's Independent
6 Investigation Panel.

7 MR. KOERBER: We have several
8 people in the back. I'd ask they identify
9 themselves.

10 MR. MORELY: Thomas Morely with
11 MSHA.

12 MR. SHERER: Eric Sherer with
13 MSHA.

14 MR. BROWN: Alvin Brown with
15 MSHA.

16 MR. GOSSY: John Gossy with MSHA.

17 MR. KOERBER: Mr. Stover, we have
18 a court reporter transcribing the
19 interview, both the questions and the
20 answers. For purposes of making the court
21 reporter's life a little easier, please
22 answer yes and no and not nod your head.
23 Please speak up so that she can hear you.
24 Please allow the interviewers to finish a

1 question before you start to answer, and
2 I'll ask the interviewers to allow you to
3 finish your answer before they begin the
4 next question. Okay?

5 THE WITNESS: Yes, sir.

6 MR. KOERBER: The court reporter
7 will have the transcript ready by next
8 Wednesday morning, November the 3rd. The
9 court reporter is with Johnny Jackson &
10 Associates. That is a court reporter
11 service in Charleston, West Virginia. I
12 am sure your attorney is aware of the firm
13 and where it's located.

14 If you would desire to read your
15 transcript and possibly edit it if there's
16 mistakes, you will be allowed to call
17 Johnny Jackson & Associates on Wednesday
18 and set up an interview, or excuse me,
19 set up a time where you'll go into Johnny
20 Jackson's office, either you personally or
21 you and your attorney, and you have the
22 opportunity to go in a conference room and
23 read and utilize an errata sheet to make
24 any corrections that you deem necessary on

1 the transcript. Okay?

2 THE WITNESS: Yes, sir.

3 MR. KOERBER: Sir, if at any time
4 you want to take a break for any reason,
5 just let us know and we'll take a break.
6 Okay?

7 We would request that you not
8 talk about the questions and the answers
9 that occur here today once you leave this
10 interview with anybody other than your
11 attorney. The reason we request that is
12 just to maintain the integrity of the
13 interview process.

14 Would you please swear in the
15 witness.

16 JACKIE L. STOVER, II, WITNESS, SWORN

17 MR. KOERBER: Sir, would you
18 please state your full name for the record
19 and spell your last name.

20 THE WITNESS: Jackie Lee Stover,
21 II, S-t-o-v-e-r.

22 MR. KOERBER: Your address and
23 telephone number?

24 THE WITNESS: [REDACTED]

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MR. KOERBER: And your telephone number?

THE WITNESS: ██████████ .

MR. KOERBER: Mr. Baxter, would you like to have him identify a letter that you gave him?

MR. BAXTER: Yes. Mr. Stover, I handed you a letter prior to the interview that discusses the interview here today. Do you have any questions about the letter or anything in it?

THE WITNESS: No, sir.

MR. BAXTER: It does say at the end if you recall any additional information later on, you or in this case your attorney can contact MSHA. Norman Page is the contact person for MSHA. His e-mail and phone number are on the letter.

MR. KOERBER: Sir, are you appearing here today with an attorney?

THE WITNESS: Yes.

MR. KOERBER: Sir, would you please state your name and your firm for

1 the record.

2 MR. WARNER: Brian Warner,
3 Shuman, McCuskey & Slicer.

4 MR. KOERBER: Is Mr. Stover your
5 client?

6 MR. WARNER: Yes, sir.

7 MR. KOERBER: Mr. Stover, are you
8 appearing here today because you received
9 a subpoena?

10 THE WITNESS: Yes.

11 MR. KOERBER: Would you take a
12 look at that document. Would that be a
13 copy of that subpoena?

14 THE WITNESS: Yes.

15 MR. KOERBER: I'd like this to be
16 marked as Stover Exhibit 1.

17 (Stover Exhibit No. 1 marked for
18 identification.)

19 MR. KOERBER: I notice we have
20 another attorney at the table. I would
21 ask that he identify himself, his firm
22 name and his client.

23 MR. ALLEN: Robert B. Allen,
24 Allen, Gutherie & Thomas, counsel for the

1 company.

2 MR. KOERBER: Mr. Stover, I'm
3 going to give you three items. One is a
4 memorandum which contains the address for
5 the board of appeals, which is the
6 administrative tribunal that's charged by
7 statute with hearing minor discrimination
8 cases. The discrimination statute is
9 found in West Virginia Code 22A-1-22.
10 Feel free to discuss that with your
11 attorney at the close of the interview
12 process, but this is the address where if
13 you would believe that you were
14 discriminated against because you were
15 participating in this interview, you can
16 bring your claim at this address. I would
17 caution you, though, that should you
18 believe you were discriminated against,
19 you only have 30 days from the day of the
20 discrimination to file your claim. Okay?

21 THE WITNESS: Yes, sir.

22 MR. KOERBER: Also, I'm going to
23 give you two business cards. One is
24 Mr. Terry Farley, our lead interviewer for

1 the accident investigation team, and
2 Mr. Bill Tucker, who is the lead
3 underground investigator for the Office of
4 Miners' Health Safety & Training. Should
5 anything arise after you leave here that
6 you think the accident investigation team
7 needs to know about, please feel free to
8 contact either of the gentlemen.

9 THE WITNESS: Yes, sir.

10 MR. KOERBER: Okay. At this time
11 I'd like to allow Mr. Farley to begin the
12 interview.

13 EXAMINATION

14 BY MR. FARLEY:

15 Q. Mr. Stover, thank you for coming today.

16 A. You're welcome.

17 Q. I'll begin with a little background
18 information if you don't mind. Where are you
19 currently employed?

20 A. Marfork Coal.

21 Q. What do you do at Marfork Coal?

22 A. I'm an instructor, and I'm also a
23 registered nurse.

24 Q. Instructor and registered nurse?

1 A. Yes, sir.

2 Q. Now, how long have you worked in the coal
3 mining industry?

4 A. I worked in the coal mining industry in
5 '81 and '82, and then I have been gone until 2007.

6 Q. When did you become a registered nurse?

7 A. 1996.

8 Q. Where did you get your training? Where
9 did you go to school?

10 A. Well, back then it was the College of West
11 Virginia, which is, what, Mountain State now. Yes,
12 sir.

13 Q. Have you ever actually practiced as a
14 nurse in a hospital?

15 A. Yes, yes.

16 Q. How long did you do that?

17 A. From '96 up until 2007.

18 Q. In 2007 you came to Marfork?

19 A. I came to Independence.

20 Q. Independence?

21 A. Yes, sir, at that time.

22 Q. How many Massey companies have you
23 actually worked for?

24 A. Just Independence and Marfork.

1 Q. When was it you came to Marfork again?

2 A. That was in -- May made me two years at
3 Marfork. This May made me two years I have been at
4 Marfork.

5 Q. All right. Now, what's your area of
6 responsibility with Marfork, or what was your area
7 of responsibility as of April 5th of this year?
8 Let me put it that way.

9 A. I'm the instructor. I do all the
10 instruction for Route 3, which that includes Elk
11 Run, Marfork, and it did Upper Big Branch and
12 Parker Peerless.

13 Q. When you say you were the instructor, what
14 type of training do you actually do?

15 A. Mostly what it is is Massey, if it's a new
16 hire or even a contractor that's going to work on
17 Massey property, they have to go through what they
18 call MIT. That's Massey's initial training, and
19 that consists of our policies, you know, clothing,
20 safety glasses, you know, how we expect things to
21 be done like that.

22 Q. Do you do any other training?

23 A. I participate in annual retraining. I'll
24 help with that.

1 Q. Do you do -- I mean, obviously as a
2 registered nurse, I'm sure you can do first aid; is
3 that correct?

4 A. Yes, yes.

5 Q. Do you do any of the mining-related
6 training itself?

7 A. Meaning?

8 Q. Such as ventilation, roof control and so
9 forth.

10 A. No, sir.

11 Q. Now, as of April 5th of this year, who did
12 you report to at Marfork?

13 A. Johna Bowles.

14 Q. Johna Bowles?

15 A. Yes.

16 Q. Who did Mr. Bowles report to, if you
17 recall?

18 A. It would be Chris Blanchard.

19 Q. What was Mr. Blanchard's position?

20 A. President.

21 Q. Did any people report directly to you?
22 Did you supervise any people?

23 A. No.

24 Q. Did your area of responsibility include

1 the Upper Big Branch Mine?

2 A. When it come to like annual retraining and
3 MIT training, yes, sir.

4 Q. Yes, sir. Any other duties involving the
5 Upper Big Branch Mine?

6 A. No.

7 Q. How often did you have occasion to go
8 underground?

9 A. I don't go underground, sir.

10 Q. All right. Never did?

11 A. No.

12 Q. Do you have any coal miner's
13 certifications?

14 A. Yes.

15 Q. What do you --

16 A. Well, you mean as far as, like, I'm an
17 instructor, also a diesel instructor, and dust
18 certified.

19 Q. All right. Do you have like a West
20 Virginia coal miner's certification?

21 A. No, no.

22 Q. Given the fact that you are an RN, did the
23 company ever use you as their statutorily required
24 emergency medical service attendant on the job

1 site?

2 A. Like if somebody gets hurt, I'm the --
3 because I work day shift, I would be the one that
4 would go, go to the site. Yes, sir.

5 Q. On April 5th, what was your location at
6 the time of the explosion?

7 A. I was off that day. I had a doctor's
8 appointment, and I did not -- when I heard about
9 that was around six o'clock that evening.

10 Q. Did you have any involvement in the rescue
11 and recovery operation?

12 A. No, sir. No.

13 MR. FARLEY: I think Mr. Vance
14 may have some more specific training
15 related questions.

16 EXAMINATION

17 BY MR. VANCE:

18 Q. Again, Mr. Stover, thank you for coming in
19 on this. We're trying to do this investigation and
20 check on the training of the people here that
21 brought you in. You said you're an instructor.
22 You're an approved MSHA instructor?

23 A. Yes.

24 Q. How do you get your instructor's approval?

1 A. That was in 2007, applied for it.

2 Q. Applied for it. Did you go through any
3 training?

4 A. I applied for it, and then I had -- and I
5 don't remember the name -- somebody came out and
6 monitored me.

7 Q. Monitored your class?

8 A. Yes.

9 Q. You said you do Massey initial training.
10 Can you go through some of the materials that you
11 use to conduct that training with?

12 A. Well, a list of videos which you've seen,
13 some of those, a list of videos. Then we have a
14 contractor handbook, a green handbook that we give
15 out. I go through that whole handbook with them.
16 That consists of, you know, like if you're a red
17 hat, you've got to have a red hat, talking about
18 safety glasses, how metatarsals are required,
19 safety clothing.

20 You know, if there's accidents on the
21 property, how you have to go get an accident report
22 filled out. I would go over inspection of hand
23 tools. I do that with them. Electrical, about
24 locking and tagging. I'd go over that with them.

1 Like the requirements of headlights and seat belts
2 and stuff like that on the property.

3 Shelter, I'll show the shelter film with
4 them, our fresh air base shelter, and then I'll
5 speak with them about that, talking about the
6 regulations like how many feet to be kept within
7 the face and how they're going to receive -- it's
8 law you have to receive training on that during the
9 year, two hours of training. I do that with them.
10 I'll also do the rescuers with them.

11 Q. Are you hourly or salary?

12 A. Salary.

13 Q. Salary. Yes, sir. Do you have any,
14 during your training, any mine specific such as
15 approved plans for UBB escapeway maps or
16 anything --

17 A. No.

18 Q. -- that you cover?

19 A. No, I don't.

20 Q. Do you conduct this training for
21 contractors that work at UBB, too?

22 A. Yes.

23 Q. Does anyone else conduct training there
24 for the contractors at that site?

1 A. At UBB?

2 Q. Uh-huh. No, at Marfork.

3 A. No, sir, no.

4 Q. No contractors use that site?

5 A. Well, talking about -- well, Jim Gump will
6 come in there or Butch. His first name was the
7 only one I knowed him by, was Butch, and they
8 worked through David Stanley.

9 Q. David Stanley.

10 A. Right.

11 Q. Do you do any training for their
12 contractors?

13 A. Yes.

14 Q. What training do you do?

15 A. Their MIT training.

16 Q. MIT training. Same as you do with the
17 employees?

18 A. Right.

19 Q. Do you complete a 5023 for these
20 employees?

21 A. Yes.

22 Q. Explain how you fill it out.

23 A. I was marking -- I would fill it out, and
24 I would mark experienced miner on it, and I would

1 always put on it less site specific, because I did
2 not do site specific. That's when you informed me
3 that I was putting the date on it, and that's -- I
4 should not put a date there.

5 Q. But are you saying that MIT training is
6 not experienced miner training?

7 A. Certain aspects of it is.

8 Q. According to 48.5, experienced miner
9 training, does it cover all the subjects?

10 A. It covers the subjects that I mark on the
11 5023 form, like hazardous conditions, first -- not
12 first aid -- self-rescuer, right, and electrical,
13 which those I mark that part of it, yes.

14 Q. Who continues to give them the training
15 that you don't? You mark it as not completed?

16 A. Right. And it would be at the mine site
17 itself.

18 Q. Mine site?

19 A. Yes, sir.

20 Q. Do you send a form with the new employees
21 stating that they need fill out at the mines about
22 the mine tour and methods of miners --

23 A. Yes.

24 Q. -- and that should be conducted when?

1 A. At the mine site, right.

2 Q. When is it to be signed?

3 A. When it's complete.

4 Q. When it's completed?

5 A. Yes, sir.

6 Q. Do you say you do training for several
7 mines there?

8 A. Yes, sir.

9 Q. You said awhile ago that you don't have no
10 specific plans, escapeway maps?

11 A. No, I don't go over it with them, no.

12 Q. When you began foreman at Marfork as an
13 instructor, did the company go over their policies
14 and procedures of how to conduct the training for
15 their employees and contractors there? Did they
16 provide you any training on that?

17 A. Johna did. Johna would sit and talk to me
18 about that, yes.

19 Q. Can you remember what it consisted of,
20 what the training was?

21 A. Like, I would watch him do that class, the
22 MIT class, I watched him do it a couple times, and
23 then he would let me -- after that he turned it
24 loose to me. Well, he observed me a couple of

1 times before he turned it over to me. Yes, sir.

2 Q. You also said you do the strata training?

3 A. Yes.

4 Q. Did you do that for the supervisor that
5 examines these stata refuge chambers at UBB?

6 A. Yes. Well, no, not for UBB. No, I did
7 not do shelter training for UBB.

8 Q. Do you know who does that?

9 A. At that time, Berman Cornett was over
10 there, and he was the one that did the strata
11 shelter training at UBB.

12 Q. Do you do any training for the automatic
13 mining systems operators, AMS system operators?

14 A. No.

15 Q. Do you know who does that?

16 A. No.

17 Q. Have you ever done any training for the
18 AMS operators at the mines?

19 A. No.

20 Q. Are you familiar with the S1, P2 training
21 program at Massey?

22 A. Yes.

23 Q. Do you do any training to the employees or
24 the supervisors concerning the S1 and P2 training?

1 A. No, sir. No.

2 Q. Do you know who trains the employees or
3 the salary people, supervisors on the S1 and P2?

4 A. No, no.

5 Q. Have you ever observed it being conducted?

6 A. No.

7 Q. Could you explain, just outline about what
8 the S1 is?

9 A. S1 is like their policies on certain
10 procedures, how they want things done. Like
11 requirements like, you know, safety glasses, hard
12 hats, and there's other issues in there like -- I
13 don't know. I don't know.

14 Q. Have you seen the form that they fill out
15 for each employee in that S1 mentor program? Are
16 you familiar with it?

17 A. I'm familiar with that.

18 Q. Is that to be conducted at the training
19 center, some of it, or is that all to be conducted
20 at the mines?

21 A. The part of it, the mentor program?

22 Q. Yes, sir.

23 A. No, that's done at the mines, the mentor
24 is.

1 Q. Did you conduct any other training than
2 what you've mentioned so far here?

3 A. Just the standard, just certain parts of
4 annual retraining.

5 Q. Do you do any training on lifeline
6 shelters that they use, the refuge chambers at the
7 mines?

8 A. No, I don't do that.

9 Q. You don't do that.

10 A. When you say life, I'll show them a basic
11 lifeline, you know, one that I have there, the two
12 kinds that we use, you know, the cone and then the
13 aircraft aluminum wear.

14 Q. Explain your SCSR training for us. Okay?
15 How do you conduct the SCSR training?

16 A. They'll watch a film, have them watch a
17 film, then they'll have to switch from one rescuer
18 to the other one. Okay? Then once they complete
19 that, then I'll have them wear the canister, and I
20 have them go in a dark room to wear the canister.
21 That's in class.

22 In annual retraining, you know, I always
23 make them -- before they do that, they put on dark
24 glasses, they have to put on glasses that you

1 cannot see out of, they've got to put a rescuer
2 on. Then they'll switch to another one with those
3 glasses on. Then after that, then I'll give them
4 the canister, and they'll go out and they'll go
5 through the smoke trailer wearing the canister.

6 Q. That's the expectations, right?

7 A. Yes, sir.

8 Q. Have you observed Jim Gump or Dave Stanley
9 people training their employees?

10 A. I have heard him talk. I have not seen
11 him do hands-on with anything, no.

12 Q. Do you do any part of the training? Just
13 the MIT? You said you did the MIT part for them?

14 A. Yes.

15 Q. And so Jim Gump, he does the training for
16 them?

17 A. He would come in and speak to them about
18 an hour about their policies and, you know, their
19 pay and all that stuff.

20 Q. Have you done training for Mountaineer
21 Labor Solutions, any of their employees?

22 A. Yes.

23 Q. How about Riot Concrete, have you done any
24 training for them?

1 A. Yes.

2 Q. It consists of MIT training, the same,
3 correct?

4 A. Yes.

5 Q. Did you observe any of their contractors
6 doing any other training besides your MIT training?

7 A. No.

8 MR. VANCE: That's all I've got.

9 EXAMINATION

10 BY MR. MCGINLEY:

11 Q. I have a few questions, Mr. Stover. I
12 didn't catch all of what you said about your
13 background. You worked for two years in the coal
14 mine?

15 A. Worked a year, probably about a year and
16 four months.

17 Q. Where was that?

18 A. That was Carbon Fuel.

19 Q. Carbon Fuel?

20 A. That's in Boone County.

21 Q. In Boone.

22 A. It's no more.

23 Q. Right.

24 A. Yes, sir.

1 Q. What year, year or years, was this?

2 A. '81. '81 and some part of '82.

3 Q. Then what did you do after that?

4 A. After that, I left and went to North
5 Carolina as a mechanic, heavy equipment mechanic.

6 Q. Where did you work there?

7 A. John Deere.

8 Q. How long did you work for John Deere?

9 A. I worked there two years. [REDACTED]

10 [REDACTED], yes, so two years.

11 Q. 1995 or '85?

12 A. '95.

13 Q. So were you there from 1982 to 1995?

14 A. Well, I was with Patton's Air Compressor
15 Systems, too. That was there, in North Carolina,
16 also.

17 Q. What did you do with Patton?

18 A. Installed air compressors and run steel
19 line for air compressors.

20 Q. Any other jobs in North Carolina?

21 A. That's the only two I had in North
22 Carolina.

23 Q. So that really covers the period until

24 [REDACTED] 1995?

1 A. Yes, sir.

2 Q. When you came back to West Virginia, what
3 did you do?

4 A. I came back and went to nursing school.

5 Q. That was at?

6 A. Mountain State.

7 Q. Are you a licensed registered nurse or
8 practical nurse?

9 A. Right, registered nurse, licensed
10 registered nurse.

11 Q. How long is that course of study when you
12 get that?

13 A. BSN, four years. Four years.

14 Q. The degree you get?

15 A. BSN, registered nurse.

16 Q. Bachelor of Science?

17 A. Yes, sir.

18 Q. So you graduated in what year
19 approximately?

20 A. I graduated nursing school in '96. I'm
21 sorry. I came home -- I was in nursing school,
22 anyhow, four years. From '96 back I was in
23 school. I'm sorry.

24 Q. So you came back in '92 and was from

1 '92 --

2 A. Yes, yes. I'm sorry. [REDACTED]

3 [REDACTED], yes.

4 Q. Then when you got your BSN in 1996, what
5 did you do?

6 A. The first place I worked at was Raleigh
7 General in Beckley.

8 Q. How long did you continue working in
9 nursing jobs until you --

10 A. Until 2007. From '96 to 2007.

11 Q. In 2007, you started working for Massey?

12 A. Yes, sir.

13 Q. That was at Marfork?

14 A. Independence.

15 Q. Oh, that's right. Then in May of 2008,
16 you went to --

17 A. Marfork.

18 Q. -- Marfork?

19 A. Yes, sir.

20 Q. What did you do at Independence?

21 A. The same, same thing over there,
22 instructor.

23 Q. When you worked for Carbon Fuels, did you
24 work underground?

1 A. Yes.

2 Q. What did you do?

3 A. I was on night shift on a move crew, belt
4 move.

5 Q. You were fairly young at the time?

6 A. Yes.

7 Q. When you came back to Massey in 2007, did
8 they hire you specifically to do training or
9 because you had a nursing degree, or what job were
10 you hired to do?

11 A. I was hired at first to do the training,
12 MIT training, Massey's initial training.

13 Q. Did you answer an ad or how did you --

14 A. One of my relatives used to -- worked over
15 there and said that they were interested, and they
16 were looking for a safety tech is what they called
17 it, and I wanted to try the safety part of it for a
18 while in nursing.

19 Q. Do you still have your nursing
20 certification?

21 A. Yes, sir. Yes, sir.

22 Q. So you went and you interviewed for the
23 job and they said, well, we're hiring a safety tech
24 or somebody to do training; is that right?

1 A. Yes.

2 Q. Were you competing with other people, or
3 did you have to take tests or...

4 A. I thought I was competing, because it took
5 about three months to get on with them. I didn't
6 have to take a test, but I had to go through two
7 different interviews.

8 Q. Who interviewed you?

9 A. Sir, I know -- the man I worked for, his
10 name is Dave Brown. He was the safety director.
11 The other guy, he left right as soon as I got
12 there. I can't remember. His last name was
13 Potter. He was an HR man.

14 Q. So they hired you. You began work in,
15 what, middle of 1997?

16 A. At Independence?

17 Q. Independence.

18 A. No, 2007.

19 Q. 2007. Sorry.

20 A. Yes, sir.

21 Q. I'm only ten years off.

22 A. I'm sorry.

23 Q. I'm sorry, too. 2007.

24 A. Yes, sir.

1 Q. So what did you do to learn how to be a
2 safety trainer?

3 A. I got books and read policies and plus
4 leadership under Dave Brown.

5 Q. What kind of books did you read?

6 A. That would be Massey's. I had general
7 stuff first, like I would get online and read about
8 general mining stuff, because, you know, I knew a
9 lot of stuff had changed since I left, you know.
10 Whole new ball game.

11 Q. Where would you look for that information
12 online?

13 A. You can go to -- the American Mining
14 (phonetic) Journal would have stuff like that.
15 Like I would -- before Dave even taught me, I would
16 read about the new kind of rescuers they had out,
17 because when I was there, it was little tiny stuff
18 like that, and that's where I read about longwall
19 mining and stuff like that. Then when I got over
20 there, you know, Dave would -- he instructed me,
21 then took me underground and showed me those
22 things.

23 Q. How long did you spend reading books and
24 having Dave Brown show you things and get on the

1 internet and learn more about --

2 A. Probably at least the whole time I was
3 over there, the first year, to my knowledge.

4 Q. How soon did you actually start training
5 people?

6 A. I don't know. I think it was like after I
7 was there about three or four months, he would turn
8 me loose, let me start training.

9 Q. Was Mr. Brown doing all the training up
10 until that time?

11 A. Yes, yes.

12 Q. At what point did he bow out and stop
13 training, if he did? Or did you just take over
14 after four months?

15 A. I took over the training part of it, yes,
16 sir.

17 Q. Have you been underground at any coal
18 mines since you came back and began work at
19 Independence?

20 A. At Marfork?

21 Q. At any mines.

22 A. When I came to Marfork --

23 Q. Not at Independence, but when you came to
24 Marfork, you went underground?

1 A. Yeah, one time.

2 Q. What mine did you --

3 A. I'm sorry. Allen Powellton.

4 Q. Why did you go underground?

5 A. Just to take a tour.

6 Q. How long did that last?

7 A. That was all day long. That was an eight-
8 hour shift.

9 Q. Did it have a longwall there?

10 A. No.

11 Q. What are the videos that you show in the
12 MIT training?

13 A. One is environmental insurance. Most of
14 these are Massey. One is environmental insurance.
15 Another one is Massey Is the Right Way to Do It, is
16 what it's called. Strata shelter training, self-
17 rescuer, that one. And it's an MSHA, show one of
18 MSHA's hearing.

19 Q. MSHA?

20 A. Hearing. It's a --

21 Q. You mean auditory?

22 A. Yes. Then there's another one of Massey's
23 videos I show on locking and tagging and one on the
24 HazCom material.

1 Q. Now, this training course lasts a total of
2 eight hours?

3 A. No, sir.

4 Q. How many hours?

5 A. Depending on how many I have in class,
6 it's usually around three and a half to four hours.

7 Q. You show seven videos?

8 A. Yes.

9 Q. How long are they? I mean, just
10 approximately. Are they all 25 minutes?

11 A. No, some of them is not, no.

12 Q. Some are shorter?

13 A. Fifteen. Some are shorter, yeah.

14 Q. How much talking do you do? For example,
15 if you show the MSHA hearing video, do you say
16 anything about it, or do you just move to the next
17 video?

18 A. I move to the next one, and I do -- all my
19 talking will come at the last, once all the videos
20 and the rescuers are done, I'll do all my lecturing
21 at the end of the class.

22 Q. Have you written out your lecture? I
23 mean, do you have sort of an outline?

24 A. No. The guideline I go by, it's a little

1 contractor book that we go by.

2 Q. What's that book called?

3 A. It's Massey's Contractor Handbook is what
4 it's called.

5 Q. That handbook is given to each trainee?

6 A. Yes.

7 Q. How long is that book? I mean, has it got
8 10 pages or 500?

9 A. No, 10 or maybe 12, something like that.

10 Q. Just sort of like a three-ring binder
11 or --

12 A. No, it's just a little --

13 Q. It's bound?

14 A. Yeah, paperback book.

15 Q. So it's only about 10 pages. Is it just
16 sort of like an outline form?

17 A. Yes.

18 Q. Things to watch out for. What would
19 that --

20 A. For each section, like the first section
21 will tell about the clothes that they wear. The
22 second section would be about hand tools, and the
23 third would be about electrical. Then another one
24 is about welding, and then one is about belts, and

1 then the other one is about the escapeways and the
2 S1 shelters that we have underground.

3 Q. Now, in your lecture after the videos, do
4 you talk about each of these things?

5 A. Yes.

6 Q. What do you say about welding?

7 A. Especially like if I got a lot of red
8 hats, and I usually do, you know, I always tell
9 them, I say, what's the first thing you've got to
10 do before you light a torch underground? Right.
11 And I'll give them the methane, we'll do all that.
12 Then I'll say, how often do you got to monitor
13 that? All right.

14 Q. How often do they have to monitor?

15 A. Continuously. If you're burning or
16 cutting, it's continuously.

17 Q. What do you tell them about escapeways?

18 A. I'll give them -- what I always do, I tell
19 them about, you've got escapeways in the mines. I
20 tell them, I say, when they do your mine site
21 specific tour, they'll show you those escapeways.
22 And then I also got examples of my lifeline that I
23 use, and I make them say it out loud. I'll say,
24 tell me your color of your primary escapeway.

1 They'll say green. I say, you know, you tell me
2 your secondary. They'll say amber, then they'll
3 tell you red. I do that with them. And I'll show
4 them the two different kinds of lifeline that we
5 use over there.

6 Q. What do you say about communications in
7 the mine, emergency communication?

8 A. That's done at the mine site.

9 Q. Do you talk about rock dusting?

10 A. No.

11 Q. Do you know anything about rock dusting?

12 A. Yes.

13 Q. How can you tell when rock dusting in a
14 mine complies with state and federal regulations
15 and when it doesn't?

16 A. You have to do samples.

17 Q. That's really the only way you can tell?

18 A. Well, it should be white. If it's
19 covered, it should be covered, but the samples is
20 the way.

21 Q. But just by eyeballing it, even if it's
22 white, you don't know if it's compliant?

23 A. No, no.

24 Q. Do you have an S1 manual?

1 A. There's one in the office, yes.

2 Q. That includes S1, PT.

3 A. P2.

4 Q. Or P2.

5 A. Yes, sir.

6 Q. But you don't have one yourself?

7 A. No.

8 Q. Do you refer to the S1 manual once a
9 month, once a year or ever?

10 A. No, no.

11 Q. So you couldn't really tell us what
12 Massey's requirements are in the S1 manual?

13 A. No, I couldn't tell you -- no, sir.

14 Q. You were asked about whether you were the
15 designated medical person in case of emergencies.

16 A. Yes.

17 Q. You're that for which mines?

18 A. Anything over Marfork, which we --

19 Q. All of the Marfork mines?

20 A. Yes.

21 Q. 12 or so?

22 A. Pardon?

23 Q. 12 or so mines?

24 A. I think it's eight or nine, I think,

1 maybe.

2 Q. Who's that designated person on the other
3 shifts? You work day shift only, correct?

4 A. Yes.

5 Q. Who were the designated medical people?

6 A. It would be the ENTs that's on that crew.

7 Q. What's a 5023 form? We want to make sure
8 the record is clear, and there was some discussion
9 of those forms.

10 A. Yes, sir. That's the MSHA form that you
11 have to fill out on training that you do, such as
12 experienced miner training or has, you know, new
13 task training; any training that you do that needs
14 to be filled out, a record of it. Annual
15 retraining also goes on that. We fill that out for
16 annual refraining.

17 Q. So that I understand, you say you do not
18 do experienced miner training?

19 A. Site specific.

20 Q. Site specific.

21 A. Yes, sir.

22 Q. But you do with regard to, what, hazardous
23 conditions, self-rescuer?

24 A. Less site specific, yes, sir.

1 Q. How much of your work involves your
2 nursing skills and how much involves training,
3 approximately?

4 A. Probably 90 percent of the training;
5 nursing skills, probably 10.

6 Q. When you're answering a question about S1,
7 you said S1 involves wearing safety glasses?

8 A. I know that's part of it, some parts of it.

9 Q. Right. Do you know anything else that S1
10 involves?

11 A. No.

12 Q. Do you know, is there any formal S1
13 training for hourly workers, miners working
14 underground?

15 A. I don't know.

16 Q. I don't have any further questions. Thank
17 you, sir.

18 A. You're welcome, sir.

19 Q. Well, let me ask you one follow-up
20 question. I think maybe you've answered this
21 before, but have you ever seen a longwall?

22 A. Yes.

23 Q. Operating?

24 A. Yes.

1 Q. Underground?

2 A. Yes.

3 Q. And that would be?

4 A. At Independence, at Revolution.

5 Q. And when was that?

6 A. 2007.

7 Q. Is that that one time you said you were
8 underground?

9 A. No, that was when I was at Independence.

10 Q. So how many times have you been
11 underground since 2007?

12 A. I don't know.

13 Q. Is it like more than those two times?

14 A. Yes.

15 Q. Ten times?

16 A. No.

17 Q. Less than 10?

18 A. Yes.

19 Q. Why did you go underground at Revolution?

20 A. Just to watch the longwall.

21 Q. How long did you observe it?

22 A. That was all day. If I went underground,
23 it was a whole shift.

24 Q. So they gave you a sense of how that

1 operates. That was approximately what year?

2 A. 2007.

3 Q. Are you an hourly or salary?

4 A. Salary.

5 Q. Some people have a salary plus they can
6 have overtime. Is that --

7 A. No, I don't get paid for overtime.

8 Q. So it's just straight, straight salary?

9 A. Yes, sir.

10 MR. MCGINLEY: I don't have any
11 other questions.

12 RE-EXAMINATION

13 BY MR. FARLEY:

14 Q. A couple of quick ones.

15 A. Yes, sir.

16 Q. For Marfork and Performance, which would
17 have included the UBB mine, who would have
18 performed the mine foreman continuing education
19 training required by state law?

20 A. There were two different classes done that
21 I know of. I participated in one of those. There
22 was always four instructors, me and Johna Bowles
23 and Berman Cornett, and I don't know who the fourth
24 one was at that one.

1 Q. Do you have instructors approval with the
2 Office of Miners' Health Safety & Training?

3 A. Yes.

4 Q. What subjects have you been approved to
5 teach by the state?

6 A. Like diesel.

7 Q. Or what programs?

8 A. Diesel, I do the diesel and continuing
9 education, that. That's it for the state.

10 Q. Done any 80 or 40-hour apprentice mine
11 classes?

12 A. No, but I'm certified. I'm sorry. Yes,
13 80 and 40, but I have never done them.

14 Q. Now, make sure I didn't miss something
15 here. When you worked at Carbon Fuel back in the
16 early '80s, what did you actually do there? Were
17 you an underground miner?

18 A. Yes.

19 Q. I assume you had a coal miner's
20 certificate?

21 A. Yes, but you know, after all those years,
22 I have never went back and got it, a copy of it,
23 because everything was lost in a flood, so...

24 Q. What was lost in the flood?

1 A. The card, because I didn't work from '81
2 through 2000 --

3 Q. When you say lost in the flood, was this
4 lost in the flood by you or lost in the flood by
5 the agency?

6 A. No, by me, by me. I mean, it's on file.
7 I just never went and got it.

8 Q. All right.

9 A. Yes, sir.

10 MR. FARLEY: I got you. Thank
11 you. I don't think I have anything else.

12 RE-EXAMINATION

13 BY MR. VANCE:

14 Q. When they trained you to be an instructor
15 there, did they tell you or show you how to
16 correctly fill out a 5023?

17 A. Yes, they round showed me, yes.

18 Q. You said when you fill out a 5023, you
19 mark experienced miner training, MIT, less site
20 specific or mine tour. Which one was that?

21 A. Right. I would write less site specific
22 and mine tour, means I didn't do none of those.

23 Q. Would you date it the same as completed or
24 would you --

1 A. I dated it.

2 Q. Did you do anything else to the 5023 to
3 show that the other subjects wasn't covered?

4 A. Not until you showed me, no.

5 Q. So actually you wasn't completing the
6 training, but you was dating the 5023 saying that
7 the training was complete?

8 A. Right. Yes.

9 Q. No one ever did tell you that was wrong?

10 A. No. No, sir.

11 Q. So you assumed that all the mine specifics
12 was being done at the mines?

13 A. Yes.

14 RE-EXAMINATION

15 BY MR. MCGINLEY:

16 Q. A couple more questions. In that
17 regard --

18 A. Yes, sir.

19 Q. -- you assume that the other training that
20 you didn't do was being done at the mines; is that
21 correct?

22 A. Yes.

23 Q. Do you know whether it was actually done?

24 A. No.

1 Q. When you finished with the three and a
2 half, four-hour training videos, how long is your
3 talk at the end of the videos?

4 A. Average, probably 40 minutes to 50 minutes
5 after that.

6 Q. Is there any way that you assess whether
7 the trainees understand what they've heard, seen in
8 the videos?

9 A. Oh, yes. I question them. Yes, I do.

10 Q. Typically, how many trainees would you
11 have in a group?

12 A. Pardon me?

13 Q. Typically, how many will you have? I'm
14 sure there's a range.

15 A. It varies. I can have anywhere from three
16 up to 20.

17 Q. How long does the questioning go on, or do
18 you just say, do you have any questions?

19 A. No, I'll question them when I go through
20 my little book and then, yeah, I always ask them do
21 they have any questions three or four times,
22 especially at the end of the class, you know,
23 because I say, now is the time to ask me now about
24 anything that we went over today.

1 Q. Now, do you ask them any questions about
2 what they've learned from the videos and your talk
3 about the SCSR?

4 A. Yes. I'll ask them. Do you feel
5 comfortable doing this? You know, I ask them how
6 long does a rescuer last when they put it on. Yes,
7 I do.

8 Q. Do these people commonly come in with no
9 understanding of mining terminology?

10 A. Yes.

11 Q. So what do you do in terms of the subjects
12 you cover to teach them what various terms --

13 A. I go down to the basic format that I can
14 do, start from -- you know, you start from scratch
15 and go. Yes, because there's some -- yeah, there's
16 some that comes in there that's never even put a
17 rescuer on.

18 Q. Well, and some have never heard of an
19 escapeway.

20 A. Yes. Yes, sir.

21 Q. So how long does this questioning period,
22 how much of that, the training is involved in that?

23 A. I leave that up to them. As long as they
24 keep asking, it's open to them until the class is

1 finished. Yes.

2 Q. Is there any way you can really tell if
3 they understand what they've been shown?

4 A. Some you can by, you know, estimation on
5 how they answer your questions and stuff like
6 that. Yes.

7 Q. Are there some that you're feeling they
8 really don't get it yet?

9 A. Some.

10 Q. Is there any way when they go on for this
11 other training that you're assuming that you sort
12 of let the other trainers know at the mine site
13 that you think maybe they're a little slow and not
14 picking up at least the things that you've --

15 A. Yes, I have called them before. Yes, I
16 have. Yes.

17 Q. Has that happened very frequently?

18 A. No, not frequently, no.

19 Q. So who would train, for example, UBB, you
20 know, the trainees that go to UBB and you're
21 assuming that there's mine site training, who would
22 you call to say, you know, there's a couple of guys
23 here that are a little weak, you better watch out
24 for them?

1 A. Well, at the time up there, Berman was the
2 safety man up there. I would call and tell him,
3 yes.

4 Q. Who would do the on-site training at UBB
5 that you thought was being done?

6 A. I don't know at UBB. I don't know.

7 Q. You don't know if it was Berman or the
8 shift foreman? You have no idea?

9 A. Berman would not do that. You know,
10 usually it would be the superintendent or the mine
11 foreman, you know.

12 MR. MCGINLEY: Thanks. Thank
13 you.

14 THE WITNESS: You're welcome,
15 sir.

16 MR. KOERBER: Mr. Stover.

17 THE WITNESS: Yes, sir.

18 MR. KOERBER: I just want to let
19 you know that after the interviews are
20 over, there may be certain individuals
21 that we recall for a second interview.
22 Whether you'll be one of those people or
23 not, nobody knows at this point in time.
24 I just want to make you aware of that.

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THE WITNESS: Yes, sir.

MR. KOERBER: Also, at this point in time, if there's anything that you would like to add, anything that you believe the investigators need to know that didn't come out during the questions, if you want to make any type of statement, make any type of comment, if you want to clarify anything, anything that you would like to say to the panel, now is the time for you to say it.

THE WITNESS: No, sir.

MR. KOERBER: We're going to close the interview, and we'll go off the record.

(The interview of JACKIE STOVER concluded at 3:28 p.m.)

1 STATE OF WEST VIRGINIA, To-wit:

2 I, Lisa Marie Short, a Notary Public and
3 Certified Court Reporter within and for the State
4 aforesaid, duly commissioned and qualified, do
5 hereby certify that the interview of JACKIE
6 STOVER, II was duly taken by me and before me at
7 the time and place specified in the caption hereof.

8 I do further certify that said proceedings
9 were correctly taken by me in stenotype notes, that
10 the same were accurately transcribed out in full
11 and true record of the testimony given by said
12 witness.

13 I further certify that I am neither
14 attorney or counsel for, nor related to or employed
15 by, any of the parties to the action in which these
16 proceedings were had, and further I am not a
17 relative or employee of any attorney or counsel
18 employed by the parties hereto or financially
19 interested in the action.

20 My commission expires the 8th day of
21 September 2018.

21 Given under my hand and seal this 2nd day
22 of November 2010.

22

23 -----
Lisa Marie Short
24 CCR
Notary Public