

West Virginia Office of Miners' Health, Safety and Training

January 27, 2011

**Report of a Fatality on a Conveyor Belt
(Underground Coal Mine)**

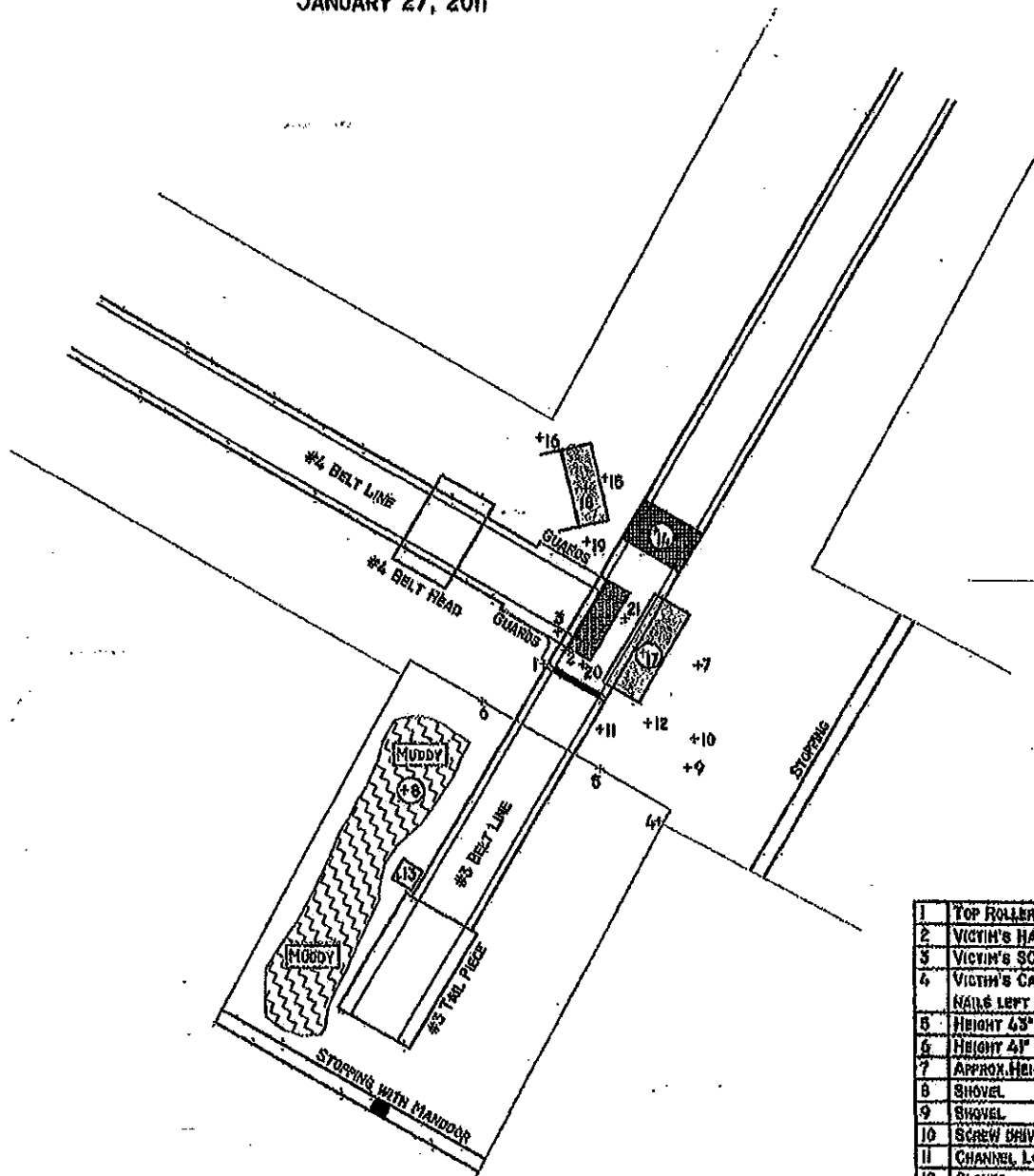
**Baylor Mining, Inc.
Jims Branch No.3-A
Permit No. U-4001-96B**

**Region II Office
891 Stewart Street
Welch, West Virginia 24801
Greg Norman, Inspector-At-Large**

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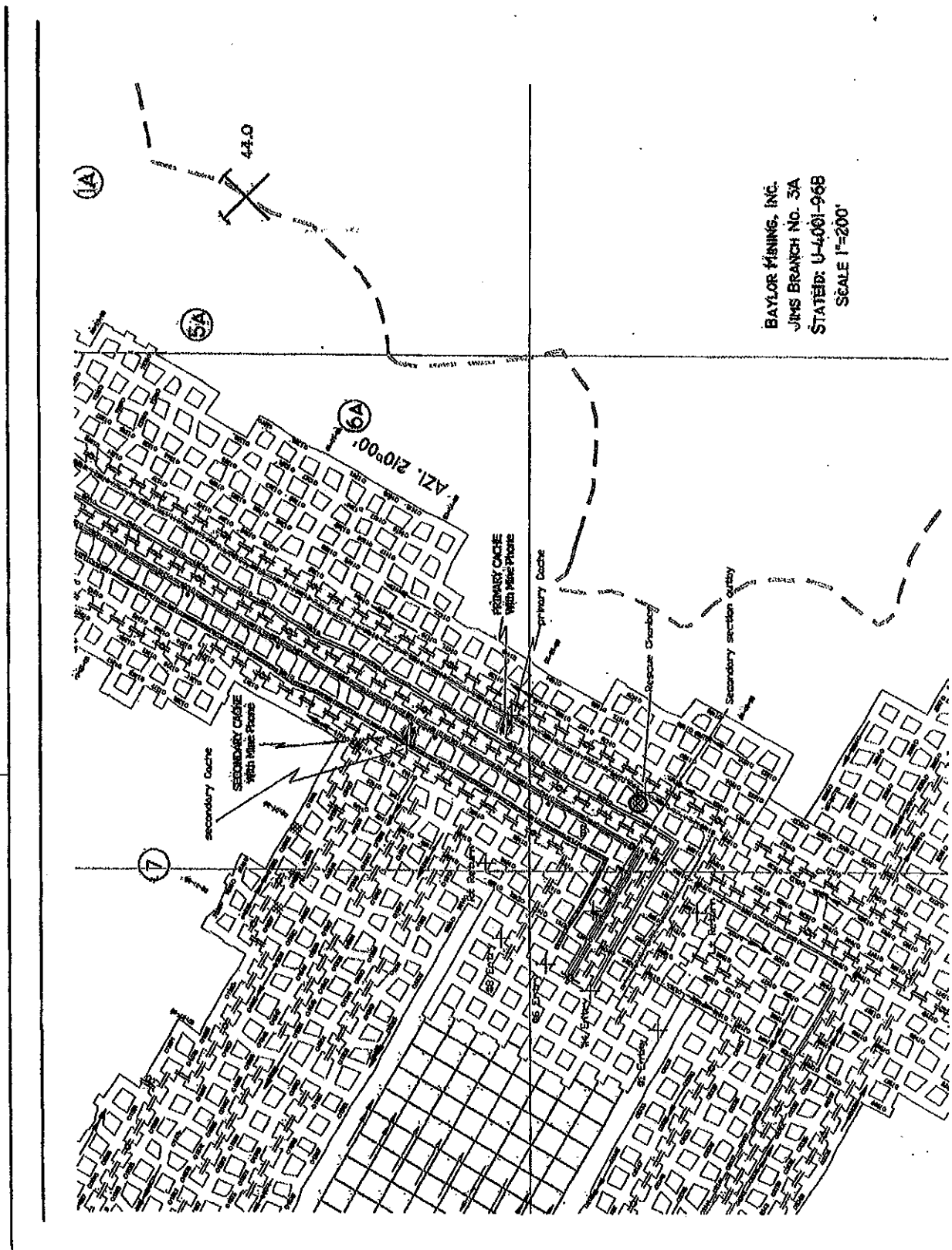
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**FATAL ACCIDENT
THAT OCCURRED ON
JANUARY 27, 2011**



**BAYLOR MINING, INC.
JIMS BRANCH NO. 3A
STATEID: U-4001-96B
SCALE 1"=10'**

1	TOP ROLLER
2	VICTIM'S HARD HAT UNDER BOTTOM BELT
3	VICTIM'S SCBR CSE100
4	VICTIM'S CAMO JACKET RIGHT POCKET NAILS LEFT POCKET SAFETY GLASSES
5	HEIGHT 43"
6	HEIGHT 41"
7	APPROX. HEIGHT OF INTERSECTION 90"
8	SHOVEL
9	SHOVEL
10	SCREW DRIVER
11	CHANNEL LOCKS
12	GLOVES
13	LANDMINE
14	BELT CROSSOVER
15	#5 BELT SWITCH
16	MINE PHONE
17	BACK BOARD "CHUTE" HAD BEEN TAKEN DOWN FROM TOP TO REMOVE VICTIM
18	DRIP BOARD THAT HAD BEEN REMOVED TO REMOVE VICTIM
19	GUARDS THAT HAD BEEN REMOVED TO REMOVE VICTIM
20	APPROX. LOCATION OF VICTIM HEAD
21	APPROX. LOCATION OF VICTIM FEET



BAYLOR MINING, INC.
JIMS BRANCH NO. 3A
STATEID: U-4001-968
SCALE 1"=200'

**Report of a Belt Conveyor Fatality
Baylor Mining, Inc.
Jims Branch No. 3-A
Permit No. U-4001-96B**

Description

A fatal accident occurred shortly after 12:01 pm on January 27, 2011 at Baylor Mining, Inc. Jims Branch 3-A mine located near New Richmond in Wyoming County. The accident occurred at the junction of the 16 panel section belthead and the No. 3 belt conveyor. John C. Lester, Jr., age 19, an apprentice miner, who had worked underground at this mine a total of 109 days and 75 shifts, fell onto the No. 3 belt conveyor and was carried into the dumping point area at the 16 panel section belthead. Coal was being transferred onto the No. 3 belt conveyor causing Mr. Lester to die from asphyxiation.

Darrell Bailey, chief electrician, notified Assistant Inspector-at-Large John O'Brien at the Welch Region Two Office of the accident at approximately 12:47 pm. Inspectors Dwight McClure and Doug Depta were dispatched promptly to the mine site. Inspector-at Large Greg Norman and Assistant John O'Brien also arrived at the mine. A joint investigation with the Mine Safety and Health Administration was started shortly thereafter.

General Information

Baylor Mining, Inc. Jims Branch 3-A mine is located near New Richmond in Wyoming County off Rt. 10 in Jims Branch. The mine was issued a permit on February 26, 2001, with an additional opening permit issued on April 25, 2008. The mine employs a total of twenty-nine persons on day and evening shifts. These are nine hour shifts, five days a week and every other Saturday. Coal is mined in the Sewell Seam which ranges in height of 38" to 43". There are a total of four belt conveyors used to transport coal to the surface. There is only one active section. Coal is produced on the 16 panel (one unit) section with two Eimco continuous miners, one Fletcher DD013 roof bolter, one Fletcher Roof Ranger II roof bolter, three Joy 21 shuttle cars, and four Long-Airdox 482 battery powered scoops. The mine has a total of ten available mantrips to transport miners in and out of the mine. There are two Demascus Mac-8 battery powered four wheel mantrips which will transport up to eight persons each, five Demascus battery powered four wheel two person mantrips, two Demascus battery powered three wheel two persons mantrips and one JB Long battery powered three wheel six person permissible mantrip.

Fatal Investigation of Accident

On January 27, 2011, Section Foreman Ronnie E. Massie, Jr. entered the mine at 5:00 am and made a pre-shift examination of the mine from 5:00 am to 5:40 am. The fire boss report was called out to Mine Foreman Larry Presley at 5:55 am. The miners entered the mine at approximately 6:00 am and arrived on the section at 6:30 am. Management could not state how John C. Lester, Jr., age 19, an apprentice miner, who had worked underground at this mine a total of 109 days and 75 shifts, entered the mine on the morning of January 27, 2011.

The investigation revealed that Mr. Lester, who normally worked with Jerry Lane, an experienced miner, did not travel with Mr. Lester on this day. Mr. Lane operated a battery powered scoop from the surface to the working section and worked on the section as a scoop operator this day. Per the testimony of those miners interviewed, Mr. Lester did not ride in the section mantrip or with anyone else. Based upon testimony no one from management gave instructions to Mr. Lester on this morning prior to entering the mine; nor directed him to travel with a foreman or experienced miner; nor assigned him to the working section or any specific duty. It is believed by management that Mr. Lester entered the mine alone on a battery powered Demascus two person mantrip and traveled to the 16 panel working section. From information provided from the tracking system at the mine, Mr. Lester was shown entering the mine at the first break at 5:59 am, eight seconds behind Mr. Lane, who operated a scoop and arrived on the section at 6:41 am. At 7:25 am, the belt conveyors went down. At 7:29 am, Mr. Lester and Doug Smith left the section to go to the No. 3 belthead to assist with replacement of a dodge coupling. Gary Norman took Eric Price, shuttle car operator, who had become sick, from the section toward the surface.

When they arrived at the No. 3 belthead at 7:53 am, Mr. Norman stayed at the No. 3 head to help Roger Large with repairs. Mr. Price was then transported by Mr. Lester on his mantrip from the No. 3 head to the surface, arriving outside at 8:01 am. Mr. Lester re-entered the mine at 8:04 am by himself and traveled back to the No. 3 belthead. Mr. Lester stayed there for approximately 30 minutes to assist Mr. Large, Mr. Norman and Mr. Smith at the head. Mr. Lester and Mr. Smith left the No. 3 head and traveled toward the section, arriving just outby the 16 panel tailpiece at 9:03 am. After arriving on the section, Mr. Smith went back on his shuttle car and left Mr. Lester at the tailpiece with Section Foreman Ronnie Massie. Mr. Massie stated that he instructed Mr. Lester to stay at the section tailpiece where someone could see him. Mr. Massie then went to the No. 4 entry. At 9:18 am, Mr. Lester traveled outby toward the No. 4 belthead. He was seen alone by Mr. Lane at approximately this time one break outby the section tailpiece on the corner of the block of the No. 6 roadway entry. Mr. Lane spoke to him as he passed by. Mr. Lester was not seen by anyone again until he was discovered at the No. 4 belthead dumping point shortly after 12:00 pm. Mr. Massie's testimony did not reveal him talking to Mr. Lester again or traveling back to the tailpiece area until shortly after 12:01 pm when he was searching for Mr. Lester after Mr. Lane questioned his whereabouts.

It is estimated that sometime around 12:00 pm, Mr. Lane, while operating a scoop across the section, encountered Mr. Norman in the No. 6 entry and asked him if he had seen JJ (John C. Lester, Jr.). Mr. Norman said no and that he would go see if he could find him. Mr. Lane continued across the section to the No. 8 entry where Mr. Massie was located. Mr. Lane also asked Mr. Massie if he had seen JJ. Mr. Massie said he would go get him.

The investigation revealed that only a couple of persons on the 16 panel section had hand-held radios, and there was never an attempt to locate Mr. Lester by this method. Mr. Massie went to the tailpiece then down the No. 6 entry roadway.

Mr. Norman, who had already traveled outby on the roadway, arrived at the transformer adjacent to the No. 4 belthead and saw Mr. Lester's ride located there. Mr. Norman then traveled to the No. 4 belthead. He did not see any light, so he traveled across the crossover to look down toward the No. 3 tailpiece. About that time, Mr. Massie arrived at the No. 4 belthead, traveled over the crossover, did not see Mr. Lester, and then crossed back over the belt crossover. Mr. Norman then happened to look over into the chute area after coal had just dumped onto the No. 3 belt and realized that Mr. Lester was at this location. He yelled at Mr. Massie, who at this time was positioned between the starter box and crossover, to "please stop the belts."

Mr. Massie cut the No. 4 and 3 belts off at the belt switches, and Mr. Norman told Mr. Massie that it was JJ. Mr. Massie and Mr. Norman began taking the side guards down to reach him. Mr. Norman was heard from the surface, frantically calling the section. Once Mr. Norman released the page button, Mr. Presley, who was located on the surface, asked Mr. Norman, "What is wrong?" Mr. Norman said, "JJ is hurt: it's bad." Mr. Presley grabbed his things and headed in the mine at 12:22 pm. Once he got to the air lock doors, he radioed back to Darrell Bailey, who was substituting as communication person, and told him to get on the phone; to get an ambulance enroute and to call state and federal agencies. Mr. Large, who had been on the section in the No. 6 entry, was radioed by Mr. Bailey that something had happened at the belthead. Mr. Large traveled straight to the No. 4 belthead. When he arrived at the scene, Mr. Norman and Mr. Massie were present. They were in the process of removing the expanded metal guards. Once the inby metal guard was removed, Mr. Large went over to where Mr. Lester was located to check vital signs and to see if he was breathing.

Mr. Large tried to remove the coal away from Mr. Lester's body using a wooden wedge. He saw a hole in the lower left side of Mr. Lester's shirt and reached in to check the temperature of his body, which was only slightly warm. Further assessment revealed Mr. Lester's upper extremities were cold. Mr. Lester's self-contained rescuer, located on his belt, was wedged under the slobber board. Mr. Norman took the rescuer loose, and it fell to the ground. They then continued to remove the slobber board. After Mr. Presley arrived, Mr. Norman went after a backboard at the section first-aid station. Mr. Presley, an EMT, did an assessment on Mr. Lester and removed coal from his mouth. Mr. Presley stated that Mr. Lester's head had been wedged at the inby end of the slobber board with his feet pointing outby.

Mr. Presley found no vital signs. Mr. Lester's right leg looked disfigured, and his left arm was probably dislocated and positioned behind his back. Mr. Presley told someone to call the section and bring the Mac 8 mantrip down from the section to transport Mr. Lester. He called the surface to inform Mr. Bailey of what he had found. Mr. Massie also left the No. 4 belthead and began crawling back to the section to retrieve first-aid materials. He encountered Mr. Norman with materials, and they both traveled back to the No. 4 head.

Mr. Massie took the backboard over, and Mr. Presley, Mr. Large and Mr. Norman loaded Mr. Lester onto the backboard and onto the mantrip. Mr. Large covered Mr. Lester with his coat and stayed with him until they arrived on the surface at 1:01 pm. A paramedic with Jan Care Ambulance Service, Butch Mattix, judged that the victim was deceased when he conducted an assessment at approximately 1:02 pm. This was confirmed by a call to the medical command physician, Dr. John Stout, at 1:25 pm.

Wyoming County medical examiner, Jennifer Bennett, also arrived at the mine site at approximately 3:05 pm. The victim was not transported from the mine until 4:00 pm at her direction.

Mr. Lester's body was transported by Jan Care Ambulance Service Unit No. 63 to the Tankersley Funeral Home located in Mullens, West Virginia.

Finding of Facts

1. John Curtis Lester, Jr., was an apprentice miner, who had worked a total of 109 days and 75 shifts underground at this mine.
2. Jerry Lane, a certified underground miner, who usually works with Mr. Lester, was assigned to operate a scoop on the 16 Panel section on this day.
3. Almost three hours went by on that day without the immediate supervisor underground checking on the location and safety of this apprentice miner.
4. During the investigation, testimony revealed that once Mr. Lester's location was not known, persons in the mine were unable to try to contact him by two-way hand held radio due to management not requiring everyone underground to carry one on his person.
5. Mr. Lester fell onto the No. 3 belt conveyor and was found wedged inside the expanded metal guards at the No. 4 belt discharge point. He received a serious wound to the left

side of his forehead, and died from asphyxiation due to the coal being transferred onto the No. 3 belt at this point.

Conclusion

Although apprentice miner John C. Lester, Jr., age 19, experience at this mine underground exceeded the ninety days in which time he was required to be within sight and sound of the mine foreman, assistant mine foreman, or experienced certified miner, the law requires the apprentice miner to be effectively supervised, which during this time helps to assure the safety and continued training of the apprentice.

Management was unable to positively state how Mr. Lester entered the mine on the morning of January 27, 2011. Furthermore, no one gave Mr. Lester instructions or directions that day or informed him under whose supervision he would be. Almost three hours went by on that day without the immediate supervisor on the section, or the mine foreman, checking on the location and safety of this apprentice miner, and only did so upon the request of Jerry Lane.

Enforcement Action

There were a total of seven violations and two individual personal assessments issued during this investigation. Six of the violations were issued under case number 031-1639-2011, excluding a non-assessable control order dated January 27, 2011. One violation, which was issued under case number 031-1640-2011, is specially assessment and is of serious nature and involved a fatality.

There were two individual personal assessments issued under case numbers 031-1641-2011 and 031-1642-2011.