

01 STATEMENT UNDER OATH  
02 OF  
03 RANDALL HELMI CK  
04  
05  
06 Taken pursuant to Notice by Mi randa  
07 D. El ki ns, a Court Reporter and  
08 Notary Publ ic in and for the State of  
09 West Vi rgi ni a, at Uni ted States  
10 Di stri ct Court, 500 West Pi ke Street,  
11 Cl arksburg, West Vi rgi ni a, on  
12 Thursday, January 26th, 2006, at 2:58  
13 p. m.

14  
15  
16  
17  
18  
19  
20  
21  
22

23 Any reproducti on of thi s transcript  
24 i s prohi bi ted wi thout authori zati on  
25 by the certi fyi ng agency.

01 A P P E A R A N C E S  
02  
03 DOUG CONAWAY, DI RECTOR  
04 Offi ce of Mi ners' Heal th, Safety &

05 Trai ni ng  
06 1615 Washi ngton Street, East  
07 Charle ston, WV 25311  
08  
09 J. DAVI TT MCATEER, ESQUI RE  
10 Wheel i ng Jesui t Uni versi ty  
11 Vi ce Presi dent, Sponsored Programs  
12 316 Washi ngton Avenue  
13 Wheel i ng, WV 26003  
14  
15 JAMES BROOKS CRAWFORD, ESQUI RE  
16 Seni or Tri al Attor ney  
17 Mi ne Safety and Heal th Di vi si on  
18 U. S. Department of Labor  
19 Offi ce of the Sol i ci tor  
20 1100 Wi l son Boul evard  
21 Sui te 2231  
22 Arl i ngton, VA 22209-2296  
23  
24  
25

3

01 A P P E A R A N C E S (cont.)  
02  
03 RI CHARD A. GATES  
04 Di stri ct Manager, Di stri ct 11  
05 U. S. Department of Labor  
06 Mi ne Safety & Heal th Admi ni strati on  
07 135 Gemi ni Ci rcl e, Sui te 213  
08 Bi rmi ngham, AL 35209  
09  
10 JOSEPH R. O' DONNELL, JR.

11 Supervisory Coal Mine S&H Inspector  
12 U. S. Department of Labor  
13 Mine Safety & Health Administration  
14 District 11  
15 3867 Pine Lane, Suite 205  
16 Bessemer, AL 35022  
17  
18 R. HENRY MOORE, ESQUIRE  
19 Jackson Kelly, PLLC  
20 Three Gateway Center  
21 401 Liberty Avenue - Suite 1340  
22 Pittsburgh, PA 15222  
23 COUNSEL FOR ICG  
24  
25

4

01 A P P E A R A N C E S (cont.)  
02  
03 SAM KITTS  
04 6002 Pinnacle View Road  
05 Hurricane, WV 25526  
06  
07 DENNIS J. SWENTOSKY  
08 Supv. MS&H Specialist (Ventilation)  
09 U. S. Department of Labor  
10 Mine Safety & Health Administration  
11 CMS&H, District 2  
12 Paintersville Road  
13 R. R. #1, Box 736  
14 Hunker, PA 15639  
15

16 BRIAN MILLS  
17 Inspector at Large, Region One  
18 West Virginia Miners' Health, Safety  
19 & Training  
20 205 Marion Square  
21 Fairmont, WV 26554

22  
23 DAVE STUART  
24 1507 Stonehenge Road  
25 Charleston, WV 25214

5

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

02  
03 ROBERT S. WILSON, ESQUIRE  
04 TIMOTHY S. WILLIAMS, ESQUIRE  
05 U. S. Department of Labor  
06 Office of the Regional Solicitor  
07 1100 Wilson Boulevard  
08 22nd Floor West  
09 Arlington, VA 22209-2247

10 COUNSEL FOR MSHA

11  
12 JOSEPH YUHAS, ESQUIRE  
13 P. O. Box 1025  
14 Northern Cambria, PA 15714

15  
16 MARCO M. RAJKOVICH, JR. ESQUIRE  
17 Rajkovich, Williams, Kilpatrick &  
18 True, PLLC  
19 2333 Alumni Park Plaza  
20 Suite 310  
21 Lexington, KY 40517

22  
23  
24  
25

6

01

I N D E X

02

03 I N T R O D U C T I O N 8 - 16

04 W I T N E S S : R A N D A L L H E L M I C K

05 Q U E S T I O N S

06 By Mr. O' Donnell 16 - 34

07 By Mr. Mills 34 - 35

08 By Mr. O' Donnell 35 - 51

09 C E R T I F I C A T E 52

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

7

01  
02  
03  
04  
05  
06  
07  
08  
09  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

			PAGE
NUMBER	DESCRIPTION	IDENTIFIED	
One	Map of Mine		37

8

01  
02  
03  
04  
05  
06

P R O C E E D I N G S

-----

MR. O' DONNELL:  
My name is Joe  
O' Donnell. I'm an accident  
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 with the office of the  
12 Solicitor, and Brian Mills  
13 with the West Virginia Office  
14 of Miners' Health, Safety &  
15 Training.

16 I have been assigned to  
17 conduct an investigation into  
18 the accident that occurred at  
19 the Sago Mine on January the  
20 2nd, 2006, in which 12 miners  
21 died and one was 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 information  
02 to determine the cause of the  
03 accident. And these  
04 interviews are an important  
05 part of that investigation.

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

12 the investigation is  
13 completed, MSHA will issue a  
14 written report detailing the  
15 nature and causes of the  
16 accident. MSHA's accident  
17 reports are made available to  
18 the public in the hope that  
19 greater awareness about the  
20 causes of accidents can reduce  
21 their occurrence in the  
22 future.

23 Information obtained  
24 through witness interviews is  
25 frequently included in these

10

01 reports. Your statement may  
02 also be used in other  
03 enforcement proceedings.

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

13 We understand the  
14 difficulty for you in  
15 discussing the events that  
16 took place, and we greatly  
17 appreciate your efforts to



18 help us understand what  
19 happened.

20 This interview with Mr.  
21 Randy Helmi ck is being  
22 conducted under Section 103(a)  
23 of the Federal Mine Safety &  
24 Health Act of 1977, as part of  
25 an investigation by the Mine

11

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

12 This interview is being  
13 conducted at the U.S. District  
14 Courthouse in Clarksburg, West  
15 Virginia on January 26th,  
16 2006. Questioning will be  
17 conducted by representatives  
18 of MSHA and the Office of  
19 Miners' Health, Safety &  
20 Training. This is not an  
21 adversarial proceeding.  
22 Therefore cross examination

23 will not be permitted.

24 Mr. Helmi ck, the

25 interview will begin by my

12

01 asking you a series of  
02 questions. If you do not  
03 understand a question, please  
04 ask me to rephrase it. Feel  
05 free at any time to clarify  
06 any statements that you make  
07 in response to the questions.

08 After we have finished  
09 asking questions, you will  
10 have an opportunity to make a  
11 statement and provide us with  
12 any other information that you  
13 believe may be important.

14 If at any time after  
15 the interview you recall any  
16 additional information that  
17 you believe may be useful in  
18 the investigation, please  
19 contact Mr. Richard Gates at  
20 the phone number or e-mail  
21 address provided to you.

22 Your statement is  
23 completely voluntary. You may  
24 refuse to answer any question  
25 and you may terminate your

13

01 interview at any time. If you  
02 need a break for any reason,

03 please let me know.  
04 A court reporter will  
05 record your interview and will  
06 later produce a written  
07 transcript of the interview.  
08 Please try and respond to all  
09 questions verbally since the  
10 court reporter cannot record  
11 your non-verbal responses.  
12 Also, please try to keep your  
13 voice up. Copies of the  
14 written transcript will be  
15 available at a later time.  
16 If any part of your  
17 statement is based not on your  
18 own first-hand knowledge, but  
19 on information that you  
20 learned from someone else,  
21 please let us know. Please  
22 answer each question as fully  
23 as you can, including any  
24 information you have learned  
25 from someone else. We may not  
  
01 ask the right questions to  
02 learn the information that you  
03 have, so don't feel limited by  
04 the precise question asked.  
05 If you have any information  
06 about the subject area of a  
07 question, please provide us

14

08 with that information.

09 At this time, Mr.  
10 Mills, do you have anything  
11 that you'd like to add on  
12 behalf of the State of West  
13 Virginia?

14 MR. MILLS:

15 Mr. Helmi ck, the West  
16 Virginia Office of Miners'  
17 Health, Safety & Training is  
18 conducting this interview  
19 session jointly with MSHA and  
20 are in agreement with the  
21 procedures outlined by Mr.  
22 O'Donnell for these interviews  
23 that will be conducted here  
24 today.

25 But the Director

15

01 reserves the right, if  
02 necessary, to call or subpoena  
03 witnesses or require the  
04 production of any record,  
05 document, photograph or other  
06 relevant materials necessary  
07 to conduct this investigation.

08 MR. O'DONNELL:

09 Mr. Helmi ck, you're  
10 permitted to have a  
11 representative with you during  
12 this interview, and you may  
13 consult with your

14 representative at any time.  
15 You may designate any person  
16 to be your representative. Do  
17 you have a representative with  
18 you?

19 MR. HELMI CK:

20 No.

21 MR. O' DONNELL:

22 Do you have any  
23 questions regarding the way  
24 that we're going to have the  
25 interview?

16

01 MR. HELMI CK:

02 No.

03 MR. O' DONNELL:

04 Okay. Will you please  
05 swear him in.

06 -----

07 RANDALL HELMI CK, HAVING FIRST BEEN  
08 DULY SWORN, TESTIFIED AS FOLLOWS:

09 -----

10 BY MR. O' DONNELL:

11 Q. Okay. Could you please state  
12 your full name and spell your last  
13 name?

14 A. Randal l Hel mi ck,  
15 H-E-L-M-I -C-K.

16 Q. And your home address and  
17 telephone number?

18 A. HC-86, Box 29-A, Monterville,

19 West Vi rgi ni a 26282. Tel ephone' s  
20 339-2881.  
21 Q. Are you appeari ng here  
22 vol untari ly?  
23 A. Yeah.  
24 Q. Randy, how many years do you  
25 have i n the coal mi ne?

17

01 A. Li ke 21.  
02 Q. And how many years here at  
03 Sago?  
04 A. Wel l, wi th Anker and Sago,  
05 March wi ll be four years.  
06 Q. So you' ve been there four  
07 total ?  
08 A. Uh-huh (yes).  
09 Q. Is that continuous, or was it  
10 broken? Di d you work somewhere  
11 before and come back?  
12 A. In between them, no.  
13 Q. Okay. And what' s your present  
14 posi ti on?  
15 A. Roof bol ter.  
16 Q. And have you been a roof  
17 bol ter for the four years that you' ve  
18 been there?  
19 A. Yeah.  
20 Q. So the whole time you' ve  
21 worked i n that secti on?  
22 A. Spruce and --- I was worki ng  
23 for Spruce, then come to Sago.  
24 Q. But you' ve been i n the Sago

25 Mi ne for four years?

18

01 A. No.

02 Q. How many years?

03 A. We come over there when we was  
04 in Truby Run. And they started up  
05 the Truby Run, probably a year, a  
06 year and a hal f.

07 Q. Okay. So you' ve been there a  
08 year and a hal f?

09 A. Yeah.

10 Q. Okay. Have you done any other  
11 kind of work there besides roof  
12 bol ti ng?

13 A. No.

14 Q. Okay. And what ki nd of mi ni ng  
15 certi fi cates do you have?

16 A. Just underground.

17 Q. I' m sorry?

18 A. Just underground card.

19 Q. Okay. In the State of West  
20 Vi rgi ni a?

21 A. Uh-huh (yes).

22 Q. Any other certi fi cati ons i n  
23 any other states?

24 A. No.

25 Q. And who' s your boss?

19

01 A. Owi e Jones.

02 Q. And how l ong has he been your  
03 boss?

04 A. I think since August.  
05 Q. Okay. And what time do you  
06 usually start your shift?  
07 A. 6:00.  
08 Q. And I'm going to let you go  
09 and tell your story now, from the  
10 time you got to work until the time  
11 you left the property. I'm not going  
12 to interrupt you.  
13 A. From the time I pulled in the  
14 parking lot?  
15 Q. Yeah.  
16 A. I pulled in the parking lot  
17 and got my dinner bucket and water  
18 jug, and went into the dressing room.  
19 I talked to some of the guys and got  
20 dressed, and went over to the light  
21 room to get my light. I checked in,  
22 talked to some of the other guys. I  
23 went and got three steels, drill  
24 steels, and it was about time to go.  
25 And we went down and got on

20

01 the mantrip. And it was too small.  
02 I had to get back out to get the rest  
03 of the crew in. He swapped the  
04 mantrip then. And we started under.  
05 When we got up to the first  
06 left switch, the guy that was sitting  
07 on the outside on the inby, he got  
08 out to throw the switch. As soon as  
09 he got back in, that's when we



10 encountered it. It just come right  
11 at you. I don't know what it looked  
12 like. I closed my eyes and ducked  
13 down in the seat. I know there was  
14 debris hitting you, a lot of wind.  
15 And at a point I felt some heat. I  
16 put my hand up over, like beside my  
17 face and stuff, and I could feel like  
18 heat on my hand, on the back of my  
19 neck.

20 And then when the dust ---  
21 when you didn't feel the wind and  
22 stuff, you know, we got --- we  
23 started talking and stuff, you know,  
24 get out. You couldn't see anything,  
25 it was so dusty. It blowed my hat

21

01 off. I didn't know where it was at.  
02 I got ahold of a light cord and  
03 pulled it back, and my hat was on the  
04 cord. It stayed attached, but the  
05 headpiece, it already took it off my  
06 hat. I slapped it on and we got out  
07 of the trip. Got together there.  
08 And we started down the track. You  
09 couldn't hardly see.

10 And you could see --- what you  
11 could see, you could see some it  
12 looked like blocks and stuff like  
13 that laying in the track. I don't  
14 know how far we went down before we

15 went through the stoppi ng on the  
16 intake side. And after we got there,  
17 we got together there and, you know,  
18 we started out. It was me and two  
19 other guys helpi ng another guy. He  
20 had some probl ems wi th wal ki ng and  
21 stuff, and we stayed back wi th hi m to  
22 make sure, you know, he got out.

23 From there unti l where we come  
24 back out, I don' t know how many  
25 blocks we went, I don' t know what

22

01 block we come out at. And they  
02 picked us up there and brought us on  
03 out. When we got outside, I went to  
04 the light room, you know, to put my  
05 light stuff on charge. And they gave  
06 us a paper, you know, to sign, sign  
07 your name, you know, to see who all  
08 was out. I put my light on the  
09 charge and I checked out. Then I  
10 went to the dressing room. A group  
11 of us stayed at the dressing room.  
12 You know, hung around there.

13 And then some of the family  
14 members was comi ng in. The dressi ng  
15 room was split, you know. It' s got a  
16 wall, like, in the middle. You can  
17 dress on both sides. We was over on  
18 the one side and the fami ly members  
19 come in there, we moved over in the  
20 other side, you know, out of thei r

21 way. And there's a guy there, he  
22 asked us to step back with the family  
23 and have prayer. We stayed back  
24 there with the family and we had  
25 prayer with them. We stepped back

23

01 over on the other side.

02 We hung around there, then  
03 they --- I don't know if it was gas  
04 or what, you could smell it out in  
05 the parking lot and stuff, and they  
06 told us to, you know, to leave the  
07 parking lot. And we went down to the  
08 sawmill plant. We was in a room  
09 there. We stayed there for a little  
10 bit, and I believe it was the press,  
11 they had put them a place. We left  
12 there and we went to --- over to the  
13 tipple, because they weren't there.  
14 And we stayed at the tipple. And  
15 they was coming by --- like, when  
16 they found out something, they'd tell  
17 the family members, and they'd stop  
18 by and tell us and then go to the  
19 reporters.

20 I stayed there, and I got home  
21 probably about 8:00 or 8:30 that  
22 night, cleaned up. Well, I half  
23 showered at the plant and you know,  
24 finished cleaning up at home. And it  
25 was on the news. I started watching

01 the news, and I watched it until all  
02 I could. Then I went back to the  
03 plant the next day, and I probably  
04 got there 9:00 or 9:30, and I stayed  
05 there to I'd say around 6:00 or  
06 something like that, and I come home.

07 When we encountered the wind  
08 and everything, we got off. What you  
09 could see on the trip, there wasn't  
10 no --- I mean, we had our buckets  
11 sitting on the trip, you know, like  
12 the sanders part. We had our buckets  
13 there, and we couldn't feel no  
14 buckets or drill steels or nothing  
15 there.

16 Q. Cleaned everything off?

17 A. Yeah. The only thing I had,  
18 I had my water jug, plus it's round,  
19 and it rolls around, and I had it up  
20 front with me.

21 Q. Where were you sitting in the  
22 mantrip, Randy?

23 A. On the inby in.

24 Q. Inby in facing?

25 A. Facing.

01 Q. So you got hit right in the  
02 face with it?

03 A. Yeah.

04 Q. You said that one guy got out  
05 threw the switch, got back in, and

06 you got hit --- and you got hit with  
07 the full force of it?  
08 A. Yeah. It was --- the way we  
09 was sitting, there was three sitting  
10 with their backs to it and four  
11 sitting up facing it.  
12 Q. Did you hear anything?  
13 A. No.  
14 Q. Nothing? Just wind hitting  
15 you, debris?  
16 A. Yeah.  
17 Q. What about smoke?  
18 A. You could smell something,  
19 but ---.  
20 Q. What did it smell like?  
21 A. I don't know.  
22 Q. Was it different than  
23 something like you smelled before,  
24 not burning coal?  
25 A. No. It puts your mind of ---

26

01 to me, it was like --- you've smelled  
02 smoke off a shotgun ---  
03 Q. Yeah.  
04 A. --- after you shoot it. It  
05 kind of smelled like that.  
06 Q. Like gunpowder?  
07 A. Yeah. But I mean, I don't  
08 know --- you know, it had ---.  
09 Q. Something you haven't smelled  
10 before?

11 A. Yeah, I never did smell it  
12 before.  
13 Q. And you say you felt heat?  
14 A. Uh-huh (yes).  
15 Q. What about flame, did you ever  
16 see a fireball or ---?  
17 A. No. When it started, like  
18 wind started, you know, to hit you  
19 and debris started hitting you, I  
20 turned my head --- I closed my eyes,  
21 turned my head and ---.  
22 Q. You went down on the floor?  
23 A. Well, I went down as far as I  
24 could against the guy I was sitting  
25 beside of. He was --- you know, he

27

01 went down too.  
02 Q. Did you get hurt at all?  
03 A. The only thing it was, it was  
04 like little pieces, you know, hitting  
05 you and stuff, but I mean, hurt-wise,  
06 no.  
07 Q. How long did it last?  
08 A. It seemed like it was for a  
09 while, but I don't know.  
10 Q. Did you have a methane  
11 detector on you, or a detector at  
12 all?  
13 A. No.  
14 Q. Do you remember if anybody who  
15 had a detector, if it went into  
16 alarm?

17 A. The boss had one.  
18 Q. Do you know if it was beeping?  
19 A. Yeah.  
20 Q. It was beeping?  
21 A. Yeah, it went off.  
22 Q. Right away?  
23 A. I think after we got out of  
24 the trip to start down, it started  
25 beeping.

28

01 Q. Do you remember if Owen made  
02 any phone calls?  
03 A. Yeah.  
04 Q. When did he make a phone call?  
05 A. When we got to the phone. It  
06 was like down from the trip.  
07 Q. Did he try to call on the  
08 trolley phone, or was that just a  
09 lost cause?  
10 A. I don't know. I don't know if  
11 he hollered or ---.  
12 Q. How far was the phone from the  
13 mantrip where you stopped?  
14 A. I don't think it's too far.  
15 Q. Okay. Do you know what he  
16 said?  
17 A. No.  
18 Q. Did you hear any other  
19 conversations on the phone or the  
20 radio or anything like that after  
21 that?

22 A. No.  
23 Q. No?  
24 A. No.  
25 Q. So you got out of the mantrip

29

01 and everybody was --- I guess there  
02 was some confusi on?

03 A. Uh-huh (yes).

04 Q. Was there some reason why you  
05 didn' t take the mantrip back out?

06 A. We figured that the mi ne  
07 blowed, and you know, if you go in  
08 with the mantrip, you know, throw  
09 another spark or somethi ng, you know  
10 ---.

11 Q. So you di dn' t even consi der  
12 it?

13 A. No.

14 Q. Okay. Di d you put your SCSR  
15 on?

16 A. No.

17 Q. Not at all?

18 A. No.

19 Q. Di d anybody put them on?

20 A. Yeah. I was sti ll breathi ng,  
21 and we di dn' t know what was goi ng to  
22 be layi ng in front of us, a second  
23 explosi on or what, you know. We was  
24 holdi ng off a li ttle bit. And li ke I  
25 sai d, you know, we was hel pi ng

30

01 another guy there. You know, if you  
Page 24



02 need it, you know, you could have it.  
03 Q. So he had his on?  
04 A. Yeah.  
05 Q. Okay. Did you know if anybody  
06 had any trouble getting the thing  
07 started, putting it on or having any  
08 breathing problems with it?  
09 A. Not as far as I know.  
10 Q. They all work pretty good?  
11 A. Yeah.  
12 Q. Okay. So the whole crew ---  
13 who was running the show? Was it  
14 Owen?  
15 A. Yeah. He helped us get to the  
16 intake.  
17 Q. Okay.  
18 A. And he talked to us there and  
19 stuff.  
20 Q. And did he travel with you  
21 outside?  
22 A. No. His brother was in there.  
23 Q. So then you guys continued  
24 down the intake?  
25 A. Yeah.

31

01 Q. And what caused you to go back  
02 onto the track?  
03 A. There was some in front of us.  
04 They said that they encountered fresh  
05 air down there. And we went to the  
06 track.

07 Q. And did you go straight out?  
08 A. Yeah.  
09 Q. Okay. Now, when the explosion  
10 happened, is there anything that you  
11 can tell me that I didn't ask you  
12 that you might come up with that was  
13 --- any part of this that we didn't  
14 ask? Something that you recall.  
15 A. Okay. Just like a normal  
16 morning. You know, you just go into  
17 the section. You got to the switch,  
18 and you know, you turn to go left,  
19 and right there it was.  
20 Q. So outside, did you require  
21 any kind of treatment?  
22 A. Yeah.  
23 Q. What was wrong?  
24 A. They come around and --- I  
25 don't know what you call it, put the

32

01 thing on your finger to check your  
02 oxygen. And they asked to see if you  
03 was okay, you know, if you had any  
04 injuries. And if you --- and they  
05 said if you had any difficulty  
06 breathing, they would give you  
07 oxygen.

08 Q. Did you require any of that?  
09 A. No.  
10 Q. Did you ever get sick from it?  
11 A. Chest. It hurts, you know.  
12 Q. Are you still sick from it?

13 A. It seems like you're a little  
14 bit short-winded and stuff. I was  
15 going to go to the doctor, but ---  
16 you know, be checked to see.

17 Q. You need to if you got a  
18 problem. What about the couple of  
19 days right after that? Did you have  
20 any kind of flu-like symptoms or  
21 anything like that?

22 A. Well, your nose burns. It  
23 feels like your nose is kind of raw.  
24 And my eyes burnt for a couple of  
25 days. Ear, when I went around this

33

01 way, it went in this ear, and it  
02 feels like --- it feels like you can  
03 stick your whole finger in your ear,  
04 you know, and stuff. It was like  
05 that for a few days.

06 Q. So did you require --- did  
07 they have to take you to the  
08 hospital?

09 A. No.

10 Q. So you went --- did you walk  
11 out or did someone drive you up?

12 A. No, I walked out.

13 Q. When you were out in the  
14 dispatcher's shanty or anyplace in  
15 that area, was there any  
16 conversations that you heard,  
17 communications between people in the

18 mine and out of the mine, and ---?  
19 A. No. We was just --- you know,  
20 it was close friends that we lost.  
21 Q. I'm sure.  
22 A. And we was worried, you know,  
23 about them. We were hoping, you  
24 know, they'd be out. You know, what  
25 could you do to, you know, to help

34

01 them.  
02 Q. Did you play any part in any  
03 of the decision-making that was done  
04 by the command center, or ---  
05 A. No.  
06 Q. --- assist in any way?  
07 A. No.  
08 Q. You just went to the  
09 bathhouse, stayed with your crew and  
10 kind of supported each other and then  
11 left?  
12 A. Yeah.

13 MR. O' DONNELL:  
14 Brian, do you have any  
15 questions about that?

16 BY MR. MILLS:

17 Q. Just the color of smoke, was  
18 there any color you noticed?  
19 A. No. The stuff was coming at  
20 you, and from what I've seen of this  
21 stuff, it was just like brown.  
22 Q. Brown?  
23 A. You know, it was like a bunch

24 of dust.

25 Q. Road dust?

35

01 A. Yeah.

02 MR. MILLS:

03 Okay. Oh, one other.

04 BY MR. MILLS:

05 Q. Do you have any mine rescue  
06 experience, mine rescue team?

07 A. No.

08 BY MR. O' DONNELL:

09 Q. So you say Owen's detector was  
10 going off. Did it stay in alarm all  
11 the way down to the intake?

12 A. I heard it go off. I don't  
13 know how far it went in --- you know,  
14 stayed in alarm. The main thing was,  
15 you know, to get to fresh air, and  
16 you know, get everybody out.

17 Q. Was there some reason why you  
18 didn't put them on?

19 A. Like I said, I didn't put mine  
20 on because I was still breathing.

21 You know, I didn't feel like I was  
22 having any difficulty of breathing.

23 And we didn't know if, you know, we  
24 was going to have a second explosion  
25 or what.

36

01 Q. And you were saving it?

02 A. Yes.

03 Q. Okay. Did you feel anything  
04 else, a second pressure change,  
05 or ---?

06 A. No.

07 Q. Okay. So you didn't do your  
08 SCSR, but you saw other people that  
09 did. Let me look through my list  
10 here.

11 A. That's all right.

12 Q. You said you worked at the  
13 mine for a year and a half?

14 A. Uh-huh (yes).

15 Q. The area where you were  
16 working in, One Left, did you work in  
17 any other areas of the mine?

18 A. They brought us and some of  
19 the crew over when they was going  
20 through Truby Run. And we drove  
21 straight up from Truby Run.

22 Q. That would be in the mains up  
23 past Two Left?

24 A. Yeah. It would be straight  
25 ahead up there.

37

01 Q. And did you work that section  
02 until it was worked out?

03 A. No. Did you mean the mains,  
04 or ---?

05 Q. Let's go over to the map. It  
06 might be a little bit easier for you.  
07 We're going to say this is Exhibit  
08 One.

09 (Helmi ck Exhi bi t One  
10 Number marked for  
11 i denti fi cati on.)

12 BY MR. O' DONNELL:

13 Q. And this is the first Left,  
14 second Left, and this is the Two Left  
15 seal area. Did you say you worked in  
16 that area?

17 A. When I was with Truby Run up  
18 through and then they swapped us  
19 around. And for --- drove this out.  
20 I wasn't there. They swapped us  
21 around. And that's when they drove  
22 this, and I hardly ---.

23 Q. You weren't involved in any of  
24 the mining there?

25 A. Up in here at the seal area,

38

01 no.

02 Q. Okay. Did you ever work ---  
03 were you familiar with the seals when  
04 they put them in?

05 A. No.

06 Q. Did you ever work in that  
07 area, other than when you were just  
08 mining the mains?

09 A. No.

10 Q. Did you hear any talk of any  
11 of the people when they were building  
12 the seals?

13 A. No.

- 14 Q. Any methane, talk of methane?  
15 A. No.  
16 Q. What about when you're roof  
17 bolting in One Left, what's the most  
18 methane you usually get?  
19 A. You get about one to two-  
20 tenths.  
21 Q. That's it?  
22 A. Yeah.  
23 Q. So it's not a problem?  
24 A. No.  
25 Q. It's there, but it's --- okay.

39

- 01 Did you say you had --- or do you  
02 have mine examiner papers?  
03 A. No.  
04 Q. Just ---.  
05 A. Just underground.  
06 Q. Okay. So you don't do any  
07 examinations or pre-shifts, or ---?  
08 A. No.  
09 Q. Have you ever cut into any gas  
10 wells or boreholes?  
11 A. No.  
12 Q. Have you noticed any --- when  
13 you're bolting, do you notice holes  
14 in the roof, or ---?  
15 A. No.  
16 Q. Did you hear of any talk of  
17 anybody holding through anything?  
18 A. No.  
19 Q. We're going to take a break;



20 okay. About a five-minute break. If  
21 you smoke, go have one.

22 SHORT BREAK TAKEN

23 BY MR. O' DONNELL:

24 Q. Before you went into the mine,  
25 you said you were walking around and

40

01 talking to the guys, having a cup of  
02 coffee and whatever. Did you happen  
03 to go over to the dispatch shanty at  
04 all?

05 A. Well, the light room --- the  
06 dispatch shanty's on one end, and the  
07 light room is straight --- right  
08 there in the middle and you check in  
09 there.

10 Q. Did you notice, was there any  
11 way for you to tell if the belts were  
12 running?

13 A. I don't know.

14 Q. Do you know if any of the  
15 alarms had gone on or off, or ---?

16 A. I don't know.

17 Q. Who's the dispatcher?

18 A. I think it was Flea.

19 Q. Okay.

20 A. I don't know his name.

21 Q. We know his name by now.

22 Everybody told us. Okay. Anyway,  
23 what I'm going to do now is ask you  
24 some training questions. Do you

25 remember when your last annual

41

01 retraining class was that you had?

02 A. No. It's been --- I don't

03 remember when it was.

04 Q. Was it last year?

05 A. I ain't for sure when it was.

06 Q. Okay. Well, let me just ask

07 you this. Since you've been at Sago,

08 have you had annual retraining, the

09 eight-hour training?

10 A. At Sago, no.

11 Q. No? And when would be the

12 last one that you had; was it over at

13 --- was it Spruce?

14 A. I had one at Spruce. We had

15 like a meeting. We went over the

16 maps and stuff.

17 Q. When you first started?

18 A. It was just a little after.

19 Q. Okay. But what about, let's

20 say, the first day that you came over

21 there, did anyone go over the

22 escapeways, roof control plan,

23 ventilation?

24 A. Yeah. They went over the

25 escapeways.

42

01 Q. The what?

02 A. The escapeways.

03 Q. Okay. So how long did that

04 take, a half a day?

05 A. I ain't for sure.  
06 Q. Who gave you that training?  
07 A. Johnny.  
08 Q. Johnny?  
09 A. Stemple.  
10 Q. John Stemple. So your first  
11 day over at Sago, you did have newly  
12 employed experienced miner training.  
13 Did you sign the form, and did they  
14 sign it and all that?  
15 A. I think.  
16 Q. Okay. And the last time that  
17 you had the eight hours over at  
18 Spruce, and that was how many years  
19 ago?  
20 A. I ain't for sure how many  
21 years it was.  
22 Q. Okay. Other than that kind of  
23 --- the training --- what other  
24 training have you had at Sago?  
25 A. None.

43

01 Q. Nothing extra?  
02 A. No.  
03 Q. Okay. Did they ever go over  
04 the emergency evacuation plan?  
05 A. Uh-huh (yes).  
06 Q. Who's in charge, who's the  
07 responsible person; did they tell you  
08 that?  
09 A. You're talking about the

10 one ---?

11 Q. Evacuati on pl an.

12 A. It would be Owi e and AI .

13 Q. And what about the escapeways,  
14 did they show you where they were at?

15 A. They got them marked with  
16 reflectors.

17 Q. Di d they ever do any ki nd of  
18 hands-on SCSR trai ni ng?

19 A. Yeah.

20 Q. When?

21 A. When we had the trai ni ng.

22 Q. So that would have been a  
23 coupl e years ago?

24 A. Yeah.

25 Q. You haven' t had any SCSR

44

01 trai ni ng for that period of time?

02 A. No.

03 Q. Whenever you di d have it, di d  
04 you have to put it on?

05 A. Yeah.

06 Q. Okay.

07 A. You had to put it all together  
08 and set it down. You had to go  
09 through it.

10 Q. Okay. But not yet at Sago?

11 A. No.

12 Q. Okay. Whenever you di d have  
13 the trai ni ng, di d they tell you when  
14 to put the SCSR on?

15 A. Encounter smoke.

16 Q. Okay. Have you had any  
17 escapeway drills at Sago where they  
18 walked you out of the intake  
19 escapeway? I know you drive in the  
20 track every day, but what about  
21 walking with the boss out?

22 A. It's been a while.

23 Q. Do you recall anybody ever  
24 doing it in your section, just at  
25 Sago?

45

01 A. I think some did. For who it  
02 was, I don't know.

03 Q. Okay. What about fire drills?

04 A. For the last one, I don't know  
05 when it was.

06 Q. Did you have any since you've  
07 been at Sago?

08 A. I think we had one, but for  
09 the time when it was, I don't  
10 remember.

11 Q. Okay. And at that time, did  
12 they give you like a job, somebody  
13 goes on the phone, somebody gets rock  
14 dust; is that what it was, a  
15 simulated fire drill?

16 A. Yeah.

17 Q. Okay. You don't know --- you  
18 haven't --- have you had one at Sago?

19 A. We had one. Like I said, I  
20 don't know when, how long ago it's

21 been.

22 Q. Okay. What about smoke  
23 searches? Have you ever been smoke  
24 searched?

25 A. Yeah.

46

01 Q. And how often is that done?

02 A. They do it --- for how often,  
03 I don't know. But they checked for  
04 smokers.

05 Q. Have you ever observed anybody  
06 smoking underground?

07 A. No.

08 Q. Have you ever found smoking  
09 articles?

10 A. No.

11 Q. Who usually gives you your  
12 smoke search?

13 A. Owie, he'd give it. Al.

14 Q. And how do they do it?

15 A. They like pat you down.

16 Q. Do they?

17 A. Yeah.

18 Q. Do you recall when the last  
19 one was that you had?

20 A. No.

21 Q. Was it more than a week?

22 A. It was more than a week.

23 Q. More than two?

24 A. Yeah.

25 Q. More than three?

47

01 A. Yeah.  
02 Q. More than a month?  
03 A. I don't know when it was.  
04 Q. You can't remember when it  
05 was?  
06 A. No.  
07 Q. It was that long ago?  
08 A. I don't recall when the last  
09 one was.  
10 Q. Okay. Just be honest. That's  
11 all. If you can't remember, you  
12 can't remember. That's fine.  
13 I look at them to see if they  
14 have any more questions.  
15 A. I was looking to see who I was  
16 going to talk to.  
17 Q. Has anyone offered you  
18 anything or made a promise to you in  
19 exchange for your appearance today?  
20 A. No.  
21 Q. Okay. Randy, do you have  
22 anything you would like to add that  
23 may be relevant to the investigation?  
24 A. I would just like to know what  
25 caused it.

48

01 Q. So do we. We'll find out,  
02 hopefully.  
03 A. That'd be nice.  
04 Q. And we're all learning to  
05 become safer for it.

06 MR. O' DONNELL:  
07 On behal f of MSHA, I  
08 want to thank you for  
09 appearing and answeri ng the  
10 questi ons today. Your  
11 cooperati on is very important  
12 to the i nvesti gati on as we  
13 work to determi ne the cause of  
14 the acci dent.

15 We ask that you not  
16 di scuss your testi mony wi th  
17 any person who may have  
18 al ready been i ntervi ewed, or  
19 who may be i ntervi ewed i n the  
20 future. Thi s wi ll ensure that  
21 we obtai n everybody' s  
22 i ndependent recol lecti on of  
23 the events surroundi ng the  
24 acci dent.

25 After questi oni ng other

49

01 wi tnesses, we may call you i f  
02 we have any fol low-up  
03 questi ons that we feel we may  
04 need to ask you. I f at any  
05 ti me you have addi ti onal  
06 i nformati on regardi ng the  
07 acci dent that you' d l i ke to  
08 provi de us, please contact us  
09 at the contact i nformati on  
10 that we gave you.

11 The Mi ne Act provi des



12 certain protections to miners  
13 who provide information to  
14 MSHA, and as a result are  
15 treated adversely. If at any  
16 time you believe that you've  
17 been treated unfairly because  
18 of your cooperation in this  
19 investigation, you should  
20 immediately notify MSHA.

21 If you wish, you may  
22 now go back over any answer  
23 that you have given us during  
24 this interview, and also make  
25 any statement that you'd like

50

01 to make.

02 A. No.

03 MR. O' DONNELL:

04 Again, thank you for  
05 your cooperation. We  
06 appreciate it. Go ahead, you  
07 got something to say? Go  
08 ahead.

09 A. On the report and stuff, ---

10 MR. O' DONNELL:

11 Yes.

12 A. --- do you get one?

13 MR. O' DONNELL:

14 Yes. You have to  
15 request ---.

16 ATTORNEY WILSON:

17 The report that MSHA  
18 completes?

19 A. Yeah.

20 ATTORNEY WILSON:  
21 Or are you talking  
22 about the transcript?

23 A. The transcript.

24 ATTORNEY WILSON:  
25 The transcript.

51

01 A. Yeah.

02 ATTORNEY WILSON:  
03 Yes. If you send in a  
04 letter to the information  
05 there, if you send them a  
06 letter requesting a copy of  
07 the transcript, that will be  
08 provided after the  
09 investigation's complete.

10 A. I know some take --- you know,  
11 it'll be a while. That's fine.

12 MR. O'DONNELL:  
13 Okay. Thank you again.

14  
15

16 \* \* \* \* \*

17 SWORN STATEMENT

18 CONCLUDED AT 3:39 P. M.

19 \* \* \* \* \*

20  
21  
22

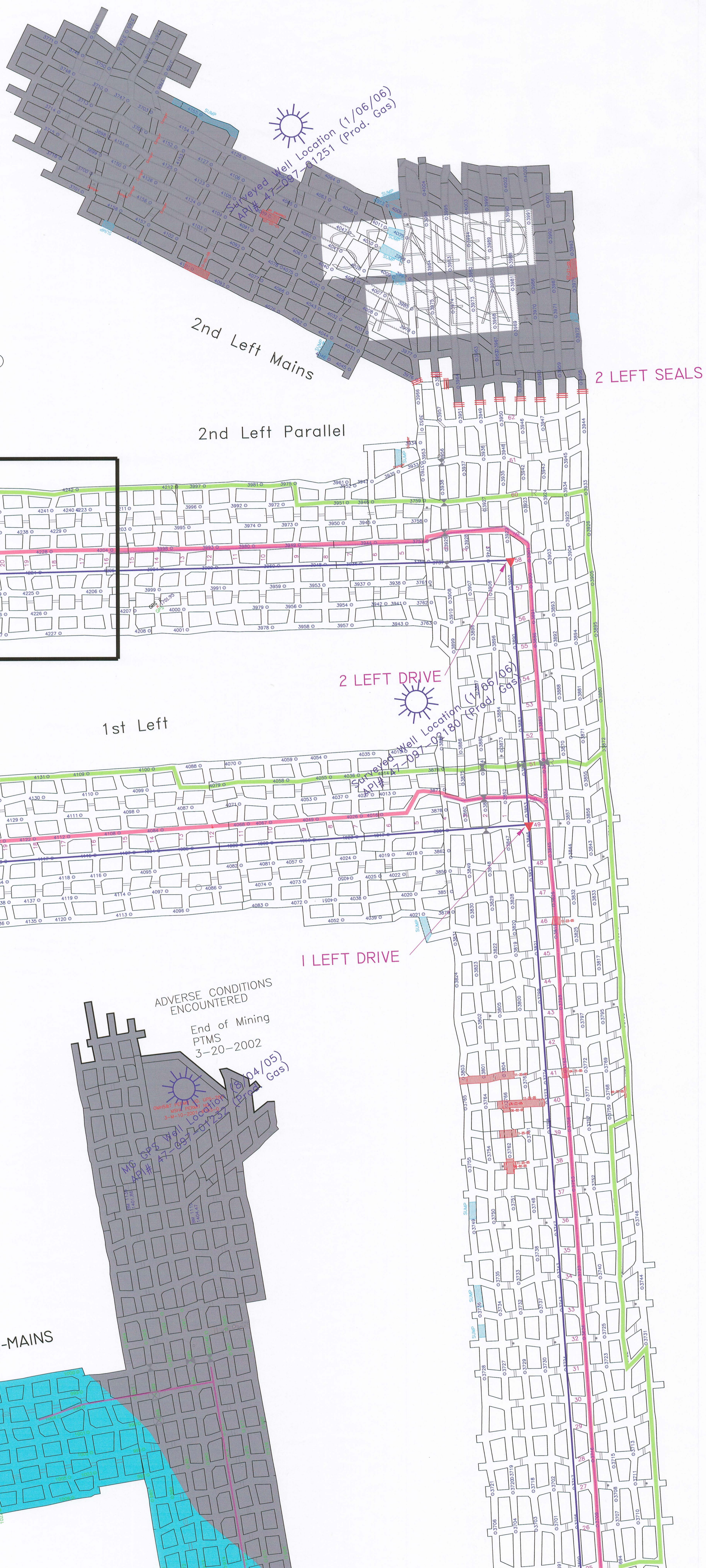
0126Hel mi ck-MSHA-Sago. txt

23

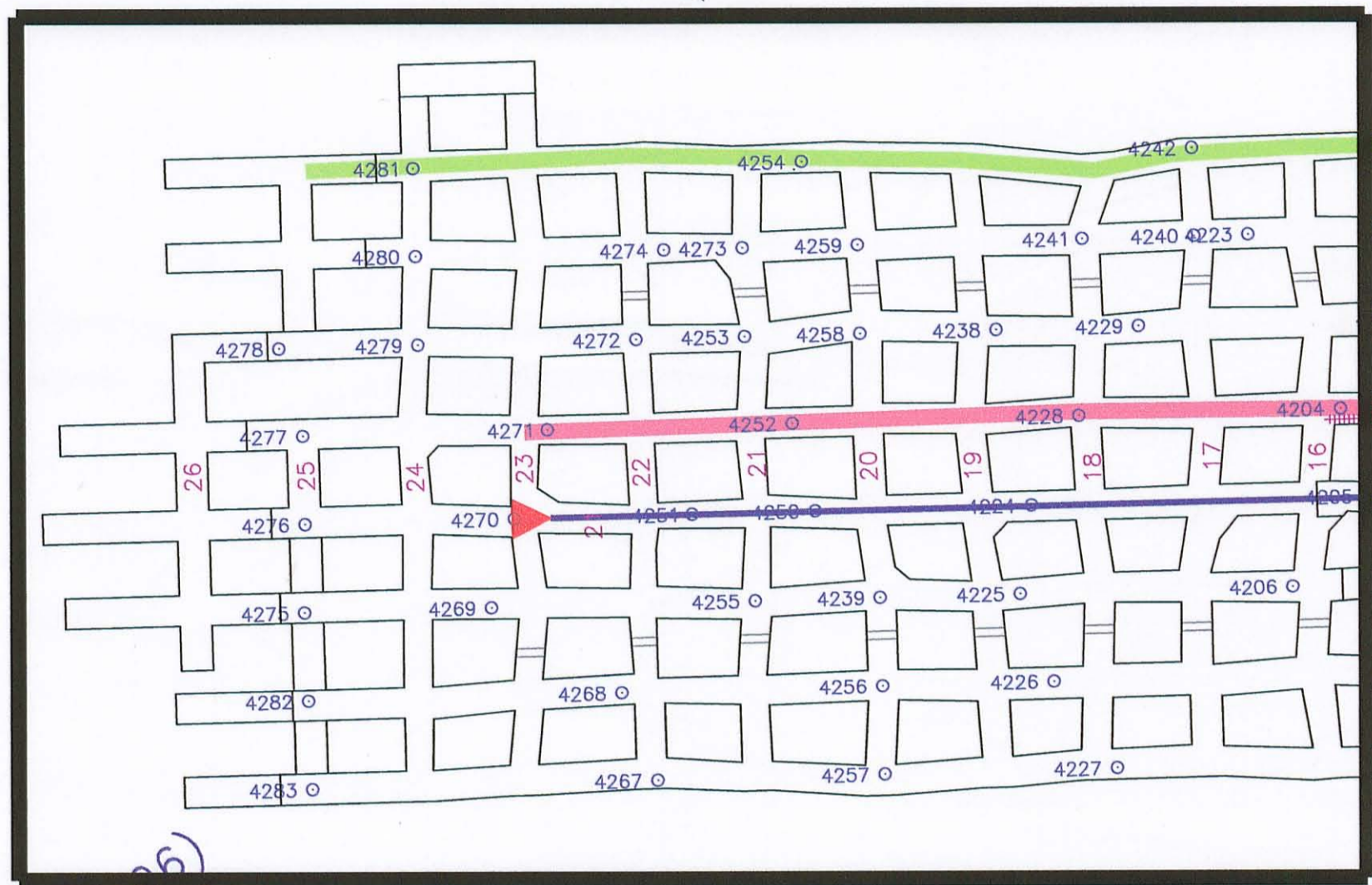
24

25

Scale: 1" = 100'



Area Shown on Map  
Scale: 1"=50'



Surveyed Well Location (1/06/06)  
API# 47-097-01250 (Prod. Gas)

2 LEFT DRIVE

1st Left

I LEFT DRIVE

ADVERSE CONDITIONS ENCOUNTERED  
End of Mining  
PTMS  
3-20-2002

Surveyed Well Location (1/06/05)  
API# 47-097-01251 (Prod. Gas)

MG GPS Well Location (5/06/04)  
API# 47-097-01262 (Prod. Gas)

End of Mining  
BJM Coal Company, Inc.  
11/15/2001

4TH NORTHWEST SUB-MAINS