

STATEMENT UNDER OATH

OF

RONALD HIXSON

Taken pursuant to Notice by Miranda
D. Elkins, a Court Reporter and
Notary Public in and for the State of
West Virginia, at the U.S. Bankruptcy
Court, 324 West Main Street,
Clarksburg, West Virginia, on Monday,
March 27, 2006, at 2:14 p.m.

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

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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 Safety and Health Administration, an agency of the United States Department of Labor. With me is James Crawford, from the Solicitor's Office, Mike Rutledge and Dave Stuart, with the West Virginia Office of Miners' Health, Safety & Training. I've been assigned to conduct an investigation into the accident that occurred at the Sago Mine on January the 2nd, 2006, in which 12 miners died and one was injured. The investigation is being conducted by MSHA and the West Virginia Office of Miners' Health, Safety & Training to

1 gather information to
2 determine the cause of the
3 accident, and these interviews
4 are an important part of the
5 investigation.

6 At this time, the
7 accident investigation team
8 intends to interview a number
9 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 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. Information obtained
23 through witness interviews is
24 frequently included in these
25 reports. Your statement may

1 also be used in other
2 enforcement proceedings.

3 I would like to thank
4 you in advance for your
5 appearance here. We
6 appreciate your assistance in
7 the investigation. We
8 understand the difficulty for
9 you in discussing the events
10 that took place, and we
11 greatly appreciate your
12 efforts to help us understand
13 what happened.

14 This interview with Mr.
15 Ron Hixson is being conducted
16 under Section 103(a) of the
17 Federal Mine Safety & Health
18 Act of 1977 as part of an
19 investigation by the Mine
20 Safety & Health Administration
21 and the West Virginia Office
22 of Miners' Health, Safety &
23 Training into the conditions,
24 events and circumstances
25 surrounding the fatalities

1 that occurred at the Sago
2 Mine, owned by International
3 Coal Group in Buckhannon, West
4 Virginia, on January the 2nd,
5 2006.

6 This interview is being
7 conducted at the U.S.
8 Bankruptcy Court in
9 Clarksburg, West Virginia, on
10 March 27th, 2006. Questioning
11 will be conducted by
12 representatives of MSHA and
13 the Office of Miners' Health,
14 Safety & Training.

15 Mr. Hixson, the
16 interview will begin by my
17 asking you a series of
18 questions. If you don't
19 understand a question, please
20 ask me to rephrase it. Feel
21 free at any time to clarify
22 any statement that you make in
23 response to the questions.
24 After we have finished asking
25 questions, you also have an

1 o p p o r t u n i t y t o m a k e a
2 s t a t e m e n t a n d p r o v i d e u s w i t h
3 a n y o t h e r i n f o r m a t i o n t h a t y o u
4 b e l i e v e m a y b e i m p o r t a n t . I f
5 a t a n y t i m e a f t e r t h e
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9 t h e i n v e s t i g a t i o n , p l e a s e
10 c o n t a c t M r . R i c h a r d G a t e s a t
11 t h e p h o n e n u m b e r o r e - m a i l
12 a d d r e s s p r o v i d e d t o y o u .

13 Y o u r s t a t e m e n t i s
14 c o m p l e t e l y v o l u n t a r y . Y o u m a y
15 r e f u s e t o a n s w e r a n y q u e s t i o n
16 a n d y o u m a y t e r m i n a t e y o u r
17 i n t e r v i e w a t a n y t i m e . I f y o u
18 n e e d a b r e a k f o r a n y r e a s o n ,
19 p l e a s e l e t m e k n o w .

20 A c o u r t r e p o r t e r w i l l
21 r e c o r d y o u r i n t e r v i e w a n d w i l l
22 l a t e r p r o d u c e a w r i t t e n
23 t r a n s c r i p t o f t h e i n t e r v i e w .
24 P l e a s e t r y a n d r e s p o n d t o a l l
25 t h e q u e s t i o n s v e r b a l l y s i n c e

1 the court reporter cannot
2 record nonverbal responses.
3 And try to keep your voice up.
4 Copies of the written
5 transcript will be available
6 at a later time.

7 If any part of your
8 statement is based not on your
9 own firsthand knowledge but on
10 the information that you
11 learned from someone else,
12 please let us know. Please
13 answer each question as fully
14 as you can, including any
15 information you have learned
16 from someone else. We may not
17 ask the right question to
18 learn the information that you
19 have, so don't feel limited by
20 the precise question that's
21 asked. If you have any
22 information about the subject
23 area of a question, please
24 provide us that information.

25 At this time, Mr.

1 Rutledge, do you have anything
2 you'd like to add on behalf of
3 the State of West Virginia?

4 MR. RUTLEDGE:

5 Mr. Hixson, I have a
6 short statement here for you
7 from --- the West Virginia
8 Office of Miners' Health,
9 Safety & Training is
10 conducting this interview
11 session jointly with MSHA and
12 is in agreement with the
13 procedures outlined by Mr.
14 O'Donnell for the interviews
15 that we'll conduct here today.
16 However, the Director of
17 Miners' Health, Safety &
18 Training does reserve the
19 right, if necessary, to call
20 or subpoena witnesses or to
21 require the production of any
22 record, document, photograph
23 or other relevant materials
24 necessary to conduct this
25 investigation. We appreciate

1 your time in coming here
2 today. If you have any
3 questions concerning the State
4 part of this investigation,
5 you can use that contact
6 information.

7 MR. O'DONNELL:

8 Mr. Hixson, are you
9 aware that you may have a
10 personal representative
11 present during the taking of
12 this statement?

13 MR. HIXSON:

14 Yes, I am.

15 MR. O'DONNELL:

16 And do you have a
17 representative here today?

18 MR. HIXSON:

19 No, I do not.

20 MR. O'DONNELL:

21 Do you have any
22 questions regarding the manner
23 in which the interview will be
24 conducted?

25 MR. HIXSON:

1 No, I do not.

2 MR. O'DONNELL:

3 Will you please swear
4 in Mr. Hixson?

5 -----
6 RONALD HIXSON, HAVING FIRST BEEN DULY
7 SWORN, TESTIFIED AS FOLLOWS:

8 -----
9 BY MR. O'DONNELL:

10 Q. Please state your full name
11 and spell your last name.

12 A. Ronald Eugene Hixson,
13 H-I-X-S-O-N.

14 Q. And your address and telephone
15 number, please?

16 A. 103 Gault School Road,
17 Connellsville, Pennsylvania, 15425.

18 Q. Are you appearing here today
19 voluntarily?

20 A. Did you want my telephone
21 number?

22 Q. Go for it.

23 A. (724) 626-0773.

24 Q. Are you appearing here today
25 voluntarily?

1 A. Yes, I am.

2 Q. And how long have you worked
3 for MSHA?

4 A. I started in 1987.

5 Q. And how long have you been a
6 member of the mine rescue emergency
7 unit?

8 A. I've been on the team since
9 1989.

10 Q. And what is your position on
11 the team?

12 A. I'm an apparatus wearer that
13 goes underground. My title is a team
14 trainer right now.

15 Q. And if you would, could you
16 just go through the series of events
17 that brought you to the Sago Mine and
18 through the event, starting with the
19 time that you were notified until the
20 time that the --- your last trip into
21 the mine.

22 A. I got a call approximately 11
23 o'clock in the morning on January the
24 2nd, the morning of the accident, and
25 was told that there was an accident

1 and there were people unaccounted for
2 at the present time, and I was to
3 report to Bruceton, where we keep our
4 gear, and help load gear and get
5 ready to go. I traveled from my
6 house to New Stanton, picked up a
7 vehicle, went to Bruceton, loaded
8 gear with Charlie Pogue and was
9 pretty much waiting on orders where
10 to go from there. Everybody was kind
11 of getting around and getting lined
12 up. We left there and started down
13 towards the mine, toward Sago Mine.
14 We were told basically to go to the
15 Comfort Inn at Weston and get
16 directions from there.

17 Got down to Weston. We
18 stopped at the Comfort Inn. We got
19 directions from the person working
20 the lobby to the mine. Traveled to
21 the mine. I'm not exactly sure what
22 time. I got there around 4:30,
23 somewhere in that time frame. At
24 that time, there was a lot of
25 activity going on, a lot of people

1 getting ready to go underground. I
2 was put on the afternoon shift with
3 Jan Lyall and Frank Thomas. I was
4 told to get my gear ready to go, that
5 Frank Thomas and Jan Lyall would be
6 the first ones going underground. So
7 as far as --- I think it's Monday
8 night. As far as Monday night, I was
9 the surface person backing up Frank
10 Thomas and Jan Lyall.

11 Night pretty much didn't ---
12 there wasn't a lot happening that
13 night for us on the afternoon shift.
14 Frank and Jan were underground
15 basically all night. I don't think
16 they had to wear very much. They
17 come out, we went home, went back to
18 the motel.

19 Went back to the mine on
20 afternoon shift. Around two o'clock
21 the following day, we readied our
22 gear to go underground. And the way
23 we do things is Frank --- we rotate.
24 Frank stayed outside to be the
25 surface guy. Jan was the first one

1 up to explore. And I was Jan's
2 backup.

3 Got our gear ready. Four
4 o'clock --- pretty close to four
5 o'clock we went underground. Got
6 underground on the track entry to
7 approximately 41 or 44 crosscut,
8 where the old fresh air base was.
9 And our first order of business was
10 basically to move the fresh air base.
11 I had batteries for the
12 walkie-talkies that I had to change
13 out with the teams that were actually
14 exploring at that time. And when we
15 got to the fresh air base, we called
16 ahead and told the state and the
17 federal inspector that we were there
18 to relieve them, to come down so that
19 the guys --- the rescue teams that
20 were underground could be relieved.

21 I traveled up the track entry
22 from 4144 crosscut, wherever that old
23 fresh air base was. And I was having
24 trouble seeing. Everything was the
25 same color gray or black, whatever

1 you want to call it, from the soot
2 and the dust. So I was taking my
3 time and I was walking up the track
4 entry. Bailey's team was about two
5 or three crosscuts ahead of me,
6 waiting on me up at the track entry
7 to change out the batteries. And I
8 got about a block away from them when
9 I saw what happened to be two feet.
10 It was Mr. Helms laying on the
11 left-hand rib. And I called up to
12 Bailey's team and I said --- I asked
13 them if they saw what was back here,
14 because I didn't know if it had been
15 identified yet. And they pretty much
16 told me that there was debris
17 everywhere. And I said, no, we got a
18 man laying back here. And Bailey's
19 team come back, and it was at that
20 time that we found Mr. Helms. We
21 called it outside the way that they
22 were instructed to call it out, as an
23 item. We found the first item.

24 Basically they told us that
25 they didn't want to move him at that

1 time, to mark his location and to
2 mark what we had. And that's what we
3 did. We didn't move him at all. We
4 marked the location where we found
5 him, marked it on the --- it was
6 either on the rib or on the roof.
7 I'm not sure exactly where we marked
8 him. And we covered him with a piece
9 of canvas. And I didn't get the
10 briefing outside, so I don't know
11 where the fresh air base was going
12 originally. But I know because of
13 the location of the body, that they
14 decided to put the fresh air base
15 over in the intake entry and move it
16 so that people weren't going right
17 past the body.

18 So we took the batteries back
19 and we took care of Mr. Helms. Took
20 the batteries back, made sure the
21 batteries got going out with the
22 crews going out so they could be
23 charged. Finished moving the fresh
24 air base. And at that time I was in
25 there with Bailey's team as a backup

1 team member. The fresh air base was
2 moved up --- I don't think it was
3 moved quite to 58 crosscut, but it
4 was up maybe about 56 crosscut, in
5 the intake entry.

6 They wanted Enlow Fork's team
7 to explore the seals and find out
8 what had happened up in that area.
9 So we basically started from there
10 exploring in the intake side, up
11 toward the seals.

12 Things were basically
13 uneventful. I mean, they made it up
14 to the seals, actually traveled in by
15 the seals and didn't realize it until
16 they got in there and realized how
17 high it was and that there was
18 something going on. So they called
19 back outside and called the command
20 center. The command center said they
21 were too far, to come back. So they
22 come back out of that area, and they
23 found what they thought was the
24 location of the seals, and they were
25 all gone.

1 Stopping lines had separated
2 and made --- a return entry in front
3 of the seals was gone, and then there
4 was another stopping line outby that
5 was also like an intake line that was
6 also gone.

7 They come back down out of the
8 sealed area and decided they were
9 going to start necking in the mouth
10 at Two Left. They knew the mantrip
11 or felt comfortable or felt that the
12 mantrip was in right around the
13 corner. They explored around the
14 corner, I think to like Five
15 crosscut, and could look up ahead and
16 see the mantrip. We basically called
17 that out, that we, you know, could
18 see the --- what we thought was the
19 mantrip.

20 The command center wanted us
21 to go --- wanted Jan Lyall and Enlow
22 Fork's team to explore as far as the
23 mantrip. They made it up as far as
24 the mantrip, called out, said that
25 the mantrip looked okay. There was a

1 --- I think a dinner bucket on the
2 mantrip and no SCSRs or no people
3 involved. They told them to branch
4 out from there and explore around
5 there to see if they could tell what
6 direction or where anybody might have
7 been. Traveled over into the intake
8 entries, and basically that's
9 whenever we found --- they found the
10 SCSR lids. Command center basically
11 said try to --- if you can tell which
12 way they went, let's try to follow
13 the guys, trying to locate people.
14 They traveled what they thought was
15 an outby direction, and they got out
16 where --- I'm not sure if they made
17 it out as far as the --- it would be
18 like the Number One entry of where
19 the first seal come down, and they
20 kind of lost the tracks somewhere in
21 that area. And they felt that they
22 may have gone back in, but they
23 couldn't tell. There was just so
24 many tracks.

25 They had Enlow Fork's team

1 continue to travel across what was
2 the intake escapeway the whole way
3 over to the right rib of the mains to
4 make sure that the guys didn't
5 continue to travel and got lost over
6 that way. Come back, explored all
7 that. We still don't have anybody or
8 nothing involved at that time. And
9 it was at that time also that we were
10 still using the walkie-talkies, that
11 we still didn't have hardwire
12 communication inby. And at that
13 time, it was 59 crosscut, the track
14 switch that goes into Two Left. And
15 basically from the switch into the
16 mantrip, right around that area, in
17 that general area, you could still
18 communicate with the team that was
19 exploring.

20 Enlow Fork come back out. I'm
21 a little bit unsure whether --- I'm
22 sure it was Enlow Fork's team said
23 --- told the command center they
24 could look ahead. And they thought
25 they saw some shiny metal, and they

1 thought it might have been a Kennedy
2 wall or something, and they had them
3 explore up to that Kennedy wall. And
4 it ended up it wasn't anything, it
5 was just an oil car --- cans of oil.
6 I think they were just about out of
7 air at that time. They come back
8 out. Jan switched out and Bailey's
9 team and myself started exploring.
10 With the walkie-talkies and
11 everything, going in --- we couldn't
12 communicate with anybody once we got
13 past Eight, Nine, Ten crosscut.
14 Right in there you started losing
15 communications, and it was very poor.
16 So we positioned the man there, and
17 we continued on inby. We had --- we
18 split up at that time. We had two
19 guys in the belt entry, two guys in
20 the track entry, and two guys in the
21 entry to the right of the track
22 entry.

23 We were moving pretty fast.
24 We weren't having any trouble. We
25 weren't finding anything. And we got

1 up to around 17 --- we were actually
2 at 19 crosscut when the command
3 center stopped us and told us not to
4 go past 17. But we were already at
5 19 crosscut.

6 Bailey's team wanted to keep
7 going for the face. I told them, I
8 said, hey, I can't allow us to go. I
9 said, just call the command center.
10 If the command center tells us we can
11 go, I said, we're going. Command
12 center wouldn't give us the
13 permission to go, told us to turn
14 around and bring the entries down on
15 the left side of the belt down to
16 what they were calling the sump area.
17 So we brought those down, looking for
18 people, looking for tracks, looking
19 for anything that might have been
20 signs of something.

21 Got down around the --- it
22 would be like the belt drive, where
23 the transfer point was, and it was
24 real hard to travel. There was a lot
25 of debris, a lot of trouble getting

1 through that area.

2 Come back out and basically at
3 that team --- at that time, Bailey's
4 team was getting pretty low on air.
5 Another team had come in, and I think
6 that other team was Tri-State. They
7 told me --- I'm not sure why, but
8 they said, take Tri-State and try to
9 get up the return entries. We geared
10 Tri-State up. We started across the
11 belt, crossed over into the returns.
12 We didn't get very far in the returns
13 when McElroy's team arrived on the
14 property --- or underground at the
15 fresh air base, I should say, not on
16 the property. Underground at the
17 fresh air base. It was, I mean,
18 pretty much --- as soon as they
19 arrived, they told us to come back
20 out of the return, and they split the
21 teams up. And they said McElroy was
22 now going to be the one exploring,
23 and they were going to go to the
24 faces and that Tri-State would be the
25 backup. We started out. We had a

1 guy at basically 58 crosscut of the
2 intake entry. He was the man that
3 could talk to the command center. We
4 stretched out hardwire from there
5 over to the track switch at 59
6 crosscut, through a crosscut, run the
7 hardwire over to there, and we had
8 another guy on a headset there. I'm
9 not sure who the man was, but he was
10 off the Tri-State team, was on a
11 walkie-talkie there. And we knew we
12 were going to drop another man off of
13 McElroy's team at Nine --- roughly
14 Nine crosscut, to talk back to him.
15 And we were going to go as far as we
16 could where we could talk back to
17 Nine crosscut.

18 McElroy's team had brought a
19 bag of SCSRs in with them in case we
20 found people. And we basically split
21 them up, trying to carry all of them.
22 I think there was 13 --- 12 or 13
23 that they brought in.

24 Once we hit the track entry,
25 going with McElroy's team, that area

1 was all explored. We were on pretty
2 much a fast pace getting up there.
3 We got up around the end of the
4 supply cars, up around the tailpiece,
5 the tailpiece was in the entry to the
6 left, and we started going for the
7 face. We got up there probably a
8 block, two blocks outby the face, and
9 we had a canvas check between the
10 entry that we were traveling in and
11 the next entry to our left. And the
12 way it was built, it looked like it
13 could have been a barricade. We
14 weren't sure what it was. So we went
15 on inby that to what would have been
16 --- what amounted to the last open
17 crosscut and we come across. And
18 myself and one of the guys off
19 McElroy turned back and went down
20 towards the miner, towards that
21 canvas, to see if it was a barricade.
22 When we got down there, we realized
23 it wasn't a barricade, it was just a
24 ventilation control. We turned
25 around and we went back up. And

1 basically when we made the turn in
2 the last open, now going towards the
3 barricade, we could hear what
4 amounted to Randy McCloy trying to
5 breathe. And I said it sounded like
6 a snore, real hard snore. The
7 captain of McElroy's team, Jim Klug,
8 and I think it was the state man had
9 already gone into the barricade by
10 the time myself and the other guy got
11 up there. Went in --- I went in
12 also. It was at that time that Jim
13 had already pulled Randy off the rib
14 and he was hollering at Randy and
15 telling him to breathe, trying to get
16 him to breathe, you know, telling him
17 that we were there, just trying to
18 talk to him, and he was hollering
19 real loud. Jim was also cracking
20 SCSRs that we had taken in, and we
21 were --- I mean, I'm not really sure
22 exactly the sequence of events there,
23 but I mean, it seemed like we were
24 having trouble getting one to start.
25 So we went two or three SCSRs in the

1 barricade trying to get one to start
2 where we could give it to Randy.
3 Randy's teeth were clenched. I know
4 they struggled getting his mouth
5 open. Got his mouth open, basically
6 got an SCSR into his mouth, and was
7 trying to work with Randy. And the
8 whole time, you know, they were
9 trying to get him down, lay him down
10 where we can start working on him.

11 I did a head count. We had
12 all the guys accounted for. And at
13 that time, there was only four of us
14 there, and I knew we couldn't carry
15 Randy. And I went back to the track
16 entry, because once we left the track
17 entry we lost communications. We had
18 no more communications. You had to
19 be in direct line of sight of Nine
20 crosscut. So when I got back there,
21 it was right around the load center,
22 I went for a stretcher. I found the
23 stretcher. I called out to the fresh
24 air base. I told them, I said, hey,
25 we have all 12 guys accounted for.

1 We have one alive, and we need help,
2 and we need help now. Because there
3 was no --- I knew there was no way we
4 were going to be able to carry him.

5 I went back up to the face.
6 At that time, they were checking the
7 other guys again, checking them to
8 see, you know, if we had any other
9 guys. And here again, I can't --- I
10 don't know who did it. One of the
11 guys that went with us pulled one of
12 the guys off the rib. And when he
13 pulled him off, I think it was just
14 air trapped in his lungs, but he let
15 out a loud moan, and we thought we
16 had a second man alive. I
17 immediately left and went down to see
18 if I could locate another stretcher.
19 And before I could call or before I
20 could do anything, and I think it was
21 Bill Tucker had come down and said
22 that he was gone, that he was not
23 alive, and that he was looking for
24 medical oxygen. We were looking for
25 medical oxygen. And if it wasn't

1 Bill Tucker, it was the McElroy
2 second guy.

3 Not knowing Sago, not knowing
4 what goes on at this mine, I didn't
5 know if there was medical oxygen. I
6 called the fresh air base and had
7 them call outside to find out if they
8 kept medical oxygen. They said they
9 did. We pretty much tore the
10 first-aid boxes apart looking for
11 medical oxygen, and we didn't find
12 anything. So we knew we had to work
13 with what we had.

14 Outby the barricade, we knew
15 we were in basically 200 to 300 parts
16 per million CO. We had two to
17 three-tenths of methane, and the
18 oxygen was around 20.3, 20.4. And
19 somebody asked me at a different time
20 about what it was inside the
21 barricade, and I don't know. We
22 didn't --- you know, whenever we had
23 Randy alive, I mean, all effort and
24 --- all the effort was put right
25 there trying to deal with Randy.

1 About the time we kind of gave
2 up looking for oxygen, the backup
3 team was getting there. And them
4 guys must have run, I mean, because
5 they got there relatively quickly.
6 We went in the barricade. They were
7 finishing tying Randy to the
8 stretcher. And Frank Thomas and I
9 went around and we counted everybody
10 again to make sure we had everybody.
11 And it was at that time that Frank
12 had checked everybody. We actually
13 checked everybody right there to make
14 sure that we didn't have a weak pulse
15 or we didn't have somebody that we
16 were missing.

17 Picked Randy up and started
18 out. A really tough carry. We
19 basically had a man at the foot of
20 the stretcher, a man at the head of
21 the stretcher and three --- basically
22 two or three guys on each side. And
23 we had a couple extra guys carrying
24 equipment, carrying stuff that we
25 thought we might need on the way

1 down. Coming down through, I mean,
2 it was just --- we were in water up
3 to our knees up near the track entry.
4 We were trying to work by the miner,
5 work by the supply cars. It was just
6 a real difficult carry.

7 I did not see it. Frank and
8 them said that whenever the SCSR
9 appeared to be pulled away from Randy
10 or something, they felt like Randy's
11 mouth and his head would go forward,
12 you know, like he wanted that
13 mouthpiece and he wanted the oxygen.

14 We came down the track entry,
15 I mean, just as fast as we could. We
16 got down there. My warning whistle
17 is going off. I know I'm out of air.
18 We got down to the switch. We turned
19 Randy over to some fresh guys that
20 were there, and they took him and
21 went down to the mantrips and started
22 out with him. And I don't really
23 remember exactly what time, but it
24 was somewhere in that time that I ---
25 that was the first time I realized

1 that there was a miscommunication
2 somehow and that they felt that there
3 was more people alive than what there
4 were. At that time, command center
5 made the decision to evacuate the
6 mine, pull everybody out. So we all
7 went down and get on mantrips and
8 exited the mine. Basically got
9 outside, you know, was asked several
10 questions on who we brought out. I
11 don't know who we brought out. I
12 didn't know --- I mean, nobody took
13 the time to look for a name tag. I
14 mean, there was nothing on his shirt
15 that jumped out at us that was
16 readily visible or anything like
17 that.

18 Things in the barricade that I
19 recall, I mean, I don't recall a lot
20 about being in the barricade.
21 Everything --- all the attention was
22 focused on Randy pretty much. I know
23 there was a man lying down against
24 the angled curtain, the angled
25 barricade. There was one man laying

1 there. One may laying in the
2 overdrive to the left. There was one
3 in the middle of the entry, going up
4 the straight. And then the rest of
5 the guys were sitting on the left or
6 right rib when we went in there.

7 That's about it.

8 Q. Thank you. Do you want to
9 take a short break? It's up to you.

10 A. I'm all right.

11 Q. Okay. Let's just go back a
12 little bit to the beginning and work
13 our way in. You say when you --- you
14 didn't even go in the mine the first
15 day; right? You were the outside
16 guy, the other two guys were in?

17 A. Yes.

18 Q. So the next day you went in
19 about what time?

20 A. Approximately 4:00.

21 Q. And what were your
22 instructions when you went in? Was
23 there anyone that had been accounted
24 for yet?

25 A. No.

1 Q. So you were --- what were your
2 instructions then, to go in and do
3 what?

4 A. I was going to be --- Jan was
5 going to explore first. I was going
6 to be Jan's backup. And the big
7 focus was --- I know --- I mean, I
8 wasn't told that specifically, but
9 the big focus was to move the fresh
10 air base so we could continue to
11 explore. And my job basically was to
12 make sure those batteries got outside
13 to change out, so that we had fresh
14 batteries for the midnight coming in.

15 Q. Is that how you rotated the
16 wireless communication system? You
17 kept the radios in and rotated fresh
18 batteries?

19 A. Yes.

20 Q. And how many of those wireless
21 radios did you have?

22 A. I'm sure that there was four
23 of them. I had four batteries that I
24 took in.

25 Q. So here's what I'd like to do.

1 Let's go to the map, then I went you
2 to show me where the fresh air base
3 and how that communication system was
4 staggered out through. Okay? Okay.
5 Let's mark the fresh air base.

6 MR. O'DONNELL:

7 We'll call this Hixson
8 Exhibit One.

9 (Hixson Exhibit One
10 marked for
11 identification.)

12 A. This is the intake entry right
13 around station spad 3903. That was
14 the fresh air base. And this man
15 could talk to the surface.

16 BY MR. O'DONNELL:

17 Q. And show me where the hardline
18 --- and that hardline that you're
19 talking about, is that a mine rescue
20 communication?

21 A. It's a mine rescue cable reel
22 that we use in mine rescue. This
23 stopping had a pretty big hole in it,
24 so the cable come up through here,
25 come through the crosscut, up and the

1 other end of the headset was right
2 here.

3 Q. And for the record, you were
4 --- are you indicating just inby 3901
5 spad in the 59th crosscut?

6 A. Yes.

7 Q. Okay. And at that location
8 you said that there was one person
9 positioned with a --- that had the
10 headphones on. Was there also a
11 person on the radio?

12 A. Yes. We had a handheld radio
13 there and a man on the headset.

14 Q. So there were two people
15 positioned at the 59 crosscut and one
16 positioned at the fresh air base
17 right now?

18 A. There was more people at the
19 fresh air base, but they were the
20 backups.

21 Q. Your backup team.

22 A. It was the backup team.

23 Q. But there was one person with
24 the hardline that communicated with
25 the command center?

1 A. Yes. And the reason these
2 people were here is if you went inby
3 --- in the track switch, the air got
4 bad and we started picking up CO. So
5 these guys had to stay out in the
6 track entry of the mains.

7 Q. They were fresh air and
8 bare-faced; right?

9 A. Fresh air and bare-faced.

10 Q. And from 59, is that where you
11 had to don your apparatus?

12 A. Yes. When we went inby the
13 track switch going into the Two Left
14 section, we had to be under
15 apparatus.

16 Q. And then you extended up the
17 track entry; is that right?

18 A. Yes.

19 Q. And could you show me where
20 you dropped the next guy off?

21 A. It was approximately Nine
22 crosscut.

23 Q. And tell me a little bit why
24 --- how did you know --- how did you
25 determine that's the area that you

1 wanted to drop your radio off at?

2 A. The only way the handheld
3 radios work is if you're in direct
4 line of sight. If you look at the
5 map, you see we have a couple curves
6 and a couple angles. If we went any
7 further than Nine crosscut, we
8 started getting bad communications,
9 where it was difficult to contact the
10 guys at 59 --- or at the track
11 switch.

12 Q. So what you did so that you
13 could extend as far as possible was
14 that you went to the limit of that
15 system, is that right, close to it?

16 A. Yes.

17 Q. Okay. So then ---.

18 A. One of the things about this,
19 we don't do this normally in mine
20 rescue. This is not typically how we
21 do things. Had we been doing things
22 according to the mine rescue rules
23 and the way we do things normally, we
24 would have set up a fresh air base
25 here, and we would have been able to

1 go 1,000 feet in. We would have had
2 to set up another fresh air base up
3 there, build checks across and move
4 our air up. And basically because we
5 knew we were in a dead end and we
6 felt sure that the guys were --- we
7 were getting close to them, we were
8 trying to extend what we had and the
9 communication system that we had.

10 Q. So as you dropped the one
11 person off at Number Nine, what did
12 the rest of the team do then?

13 A. We continued on in towards the
14 barricade.

15 Q. Now, did you have to drop any
16 other communication off?

17 A. We did not. Once we left the
18 track entry, the Number Five entry,
19 once we left that Number Five entry,
20 if we go to Number Four or Number
21 Three, we would lose communication.
22 And once we got up to the faces, we
23 left the entry. We lost
24 communications.

25 Q. Right. But if there was a

1 critical communication that you
2 needed to do, then you would go over
3 to that entry to make that call back
4 ---?

5 A. You had to retreat to the
6 track entry and you had to make the
7 call.

8 Q. So in other words, you didn't
9 completely lose your communication.
10 You just had to improvise on the
11 communication system that you were
12 using so that you could extend to
13 that distance; is that right?

14 A. Yes, that's right. And up at
15 this time now, we don't have a full
16 complement of a mine rescue team.
17 Now we're down to four guys
18 traveling.

19 Q. And that's because of?

20 A. Leaving guys off and the way
21 we were traveling.

22 Q. And you had the apparatus on.
23 You have a full face mask, and you're
24 communicating with a wireless --- is
25 it a walkie-talkie?

1 A. It's a walkie-talkie. It's a
2 permissible walkie-talkie, and
3 talking to the face piece --- through
4 the nose cup that's in the face
5 piece.

6 Q. So is it a diaphragm of some
7 sort that you're talking through?

8 A. It's a nose cup. And there's
9 a speech diaphragm in there, yes, in
10 the apparatus itself.

11 Q. Now, when you communicate just
12 between each other, from mine rescue
13 team member to another, is there
14 difficulty in communication just
15 between each other, not using a
16 radio?

17 A. Yes. I mean, it's garbled.
18 You're talking through plastic
19 through a face piece, through the
20 nose cup, everything.

21 Q. So you would have to be in
22 close proximity to another team
23 member under apparatus to effectively
24 communicate; is that right?

25 A. Or be hollering pretty loud.

1 I mean, ---.

2 Q. So now you said that there was
3 a curtain somewhere in the section
4 here that you thought may have been a
5 barricade. Could you mark where
6 that's at?

7 WITNESS COMPLIES

8 MR. O'DONNELL:

9 And he's marking in the
10 crosscut between survey
11 station 4276 and 4277 of the
12 --- between the Number Five
13 and Number Six entry; is that
14 right?

15 A. Number Four and Number Five
16 entries.

17 BY MR. O'DONNELL:

18 Q. Okay. So you thought that
19 that --- tell me about what ---
20 again, what you thought --- which way
21 did you travel around?

22 A. We traveled up the Number Five
23 entry, inby 24 crosscut, and we made
24 it up to station spad 4227. Right to
25 our left was a canvas check that we

1 thought may have been a barricade.
2 We went on inby to 26 crosscut, made
3 a left, traveled over to Number Four
4 entry, and then one other guy and
5 myself traveled outby to 4276. And
6 at that point, we could look over and
7 see the other side of the check, and
8 we knew that it was not a barricade
9 at that time.

10 Q. Okay.

11 A. Now, Jim Klug and another man
12 continued on over through the
13 crosscut to where the barricade
14 actually was.

15 Q. Do you recall if there was a
16 curtain across the Number Three
17 entry?

18 A. I never looked outby the
19 angled check --- the barricade.

20 Q. Okay. Could you indicate
21 where that was just by ---?

22 WITNESS COMPLIES

23 BY MR. O'DONNELL:

24 Q. Okay. And was it a tight ---
25 do you recall?

1 A. No, the barricade was not
2 tight. Whenever I --- when I got up
3 to it, Jim had already torn down the
4 corner, the captain of McElroy's
5 team, and gone in. But the rest of
6 the barricade was not real tight.

7 Q. Okay. So as you were in the
8 barricade and you were working on Mr.
9 McCloy, other people assessed the
10 other miners; is that right?

11 A. Yes.

12 Q. Did you do any assessment
13 yourself other than ---?

14 A. I was with Frank Thomas
15 whenever Frank and I went from
16 individual to individual to make sure
17 we didn't have somebody missed. But
18 that was basically the only time.

19 Q. Okay. Now you got out to the
20 fresh air base. Is that when --- was
21 somebody else on a telephone to call
22 the outside? Who was on the phone
23 then; you don't know?

24 A. I have no idea.

25 Q. Okay. And you got a call to

1 exit the mine? Or did you travel
2 with the --- with McCloy?

3 A. No, I did not travel with
4 McCloy. Until we got down there, we
5 turned him over to guys that were
6 bare-faced and could move with him
7 real well. It was even at that time
8 --- I think they took the time to put
9 an apparatus on Randy at that time
10 because, naturally, the apparatus
11 force-feeds air into a victim. So we
12 took an apparatus that we had there,
13 we put it on Randy that was off of
14 one of the other teams. And the guys
15 that were fresh took Randy and went
16 towards the mantrip. We didn't slow
17 Randy down at all. We wanted Randy
18 out of there as quickly as possible.

19 Q. Okay. So they took off ahead
20 of you and then ---?

21 A. I had to sit down. I mean, I
22 ---.

23 Q. Who were you with?

24 A. Just with the team members
25 that had carried Randy out. I was

1 with Jim Klug. I was with --- I'm
2 not sure whether Bill stayed --- Bill
3 Tucker stayed right there or whether
4 he was with Randy. I mean, we were
5 just ---.

6 Q. Did you exit the mine shortly
7 after?

8 A. Yes.

9 Q. Okay. And was that the only
10 time that you --- that was your last
11 trip into the mine?

12 A. Yeah. When we come back
13 outside, they had sent everybody else
14 underground again. They sent them in
15 with Viper's team to go up and with
16 stethoscopes to make sure we didn't
17 miss anybody, to make sure that
18 somebody didn't have a pulse that we
19 missed. And I think they were going
20 to map the area and do certain things
21 up in that area, in the barricade
22 area.

23 Because they sent everybody
24 in, they couldn't let us go home. So
25 we stayed until 7:30 that morning as

1 the backups for the teams that went
2 in. And that was myself and Jan
3 Lyall and Frank Thomas. And Jerry
4 Cook, Mike Hicks and Jim Langley are
5 three of the guys. And I'm not sure
6 if Mike Shumate was there also, but I
7 know the three --- the first three
8 were there. So we stayed there until
9 7:30 until they got back outside or
10 until daylight come, I'm not sure
11 which, and they released us. So we
12 went back to the motel and got ---
13 you know, got some rest. And we come
14 back at two o'clock again for the
15 afternoon shift, and at that time
16 they said they evacuated the mine and
17 they weren't going to let anybody
18 underground. All the miners were
19 out. They were going to sit on it
20 and come up with a plan as to how
21 they were going to do everything.

22 We stayed outside that night.
23 We recovered our gear, cleaned our
24 gear, got everything ready,
25 basically, in case we had to go back

1 in or in case something else
2 happened. We were calibrating
3 equipment, just getting everything
4 ready.

5 Q. Thank you.

6 MR. O'DONNELL:

7 Mike?

8 BY MR. RUTLEDGE:

9 Q. You said that you --- after
10 you were in the barricade, after you
11 saw that Jim Klug was working on
12 Randy McCloy, that you went out and
13 called for help. Did you have a
14 radio with you all the time or ---?

15 A. Yes.

16 Q. Okay.

17 A. I had a handheld radio that I
18 was carrying.

19 Q. And you said when you started
20 to carry Mr. McCloy out, do you
21 remember what position you were at on
22 the stretcher?

23 A. I was probably at two or three
24 different positions. I mean, because
25 it was like as one guy got tired, he

1 fell off, you just kind of walked
2 beside the stretcher, trying to catch
3 your breath, and as another guy
4 hollered out he needed a break, I
5 mean, you jumped in.

6 Q. You had a self-rescuer on Mr.
7 McCloy at this time?

8 A. At that time, we had an SCSR
9 on him.

10 Q. How was he secured to the
11 stretcher?

12 A. I really don't recall what we
13 used, just bandages or what was used
14 to tie him down. I know he was tied
15 to the stretcher, but I don't recall.

16 Q. Do you recall seeing his
17 boots, seeing his --- you know, being
18 at the feet end of the stretcher
19 maybe and seeing his boots? Did he
20 have regular mining boots on? Do you
21 remember?

22 A. I don't recall.

23 MR. RUTLEDGE:

24 That's all for now.

25 Thanks.

1 MR. O'DONNELL:

2 Do you want to take a
3 short break?

4 SHORT BREAK TAKEN

5 BY MR. O'DONNELL:

6 Q. Mr. Hixson, when you first
7 discovered Mr. Helms along --- near
8 the Second Left switch, could you
9 tell me about the position and
10 condition?

11 A. As I was walking up the track
12 entry, I was on the right side of the
13 right rail. And I'm not sure what
14 the wide side and tight side is of
15 that, but he was on the opposite
16 rail. He was --- his head was not
17 against the rib, but it was --- he
18 was lying with his face up, head over
19 towards the rib and feet towards the
20 left rail.

21 He appeared to be --- I saw no
22 signs of like him being hurt in any
23 way. It almost looked like he just
24 laid back and was just laying there.
25 He was covered with soot. He was

1 pretty much --- pretty dirty, and he
2 was very difficult to see.

3 Q. You mentioned about the fresh
4 air base being moved. Tell me a
5 little bit about why you believe it
6 was moved to the position it was in.

7 A. Here again, I didn't get a
8 very good briefing or wasn't briefed
9 on the surface as far as why we were
10 moving the fresh air base or where.
11 I knew we were building a check in
12 front of the old fresh air base, and
13 we were going to go over into the
14 intake entry and advance it. When we
15 found --- if there was ever a thought
16 of putting it in the track entry,
17 when we found Mr. Helms, I think that
18 would have changed that and moved it
19 over, if it wasn't going over there
20 already.

21 The other thing is, is if you
22 just broke the plane going in by 59
23 crosscut, you were in bad air. So by
24 moving the fresh air base and keeping
25 it in the intake entry, you were

1 pretty much assured that the guys
2 waiting or backing up at the fresh
3 air base would have been --- remained
4 in intake air.

5 Q. Okay. Thank you. Let's go
6 back up to the barricade. You said
7 that you had Mr. McCloy ready to go
8 and that you and Mr. Thomas made
9 another head count and another
10 assessment. Tell me a little bit
11 about that.

12 A. This was almost immediately as
13 we went back in the barricade, when
14 Frank was with me. And I said,
15 Frank, let's count everybody again
16 and let's make sure --- let's check
17 them again. Frank did the checking.
18 Frank checked for a pulse and looked
19 at the guys, and we did another head
20 count to make sure we had everybody
21 accounted for. If we're missing
22 somebody, then, as a rescue team, we
23 got to continue to explore. So it
24 was important to know that we had
25 everybody there accounted for that

1 was missing.

2 Q. Okay. You said you had to
3 take batteries in to the --- did the
4 teams --- did all of the teams have
5 radios?

6 A. Those --- these particular
7 radios were MSHA radios, and we were
8 keeping control of the batteries. We
9 were making sure that the batteries
10 remained charged so that a team
11 didn't show up on property and not
12 have communications, not have a
13 battery.

14 Q. So in other words, no one else
15 had this type of communication, only
16 ---?

17 A. Not that I'm aware of.

18 Q. Okay.

19 A. I never saw anything
20 underground other than the radios
21 that we had.

22 Q. You said that advancing on the
23 Second Left face was not according to
24 usual mine rescue team rules.

25 Explain --- go into that again. Was

1 it about the time factor?

2 A. Well, you don't want to get
3 stretched out too far. If you
4 stretch out too far, you put a team
5 member in jeopardy. Usually the
6 thousand-foot reel is how that come
7 about, why we use a thousand feet.
8 Pretty much it's a gauge and
9 everything. You go a thousand feet,
10 you set up ventilation. You clear
11 that area, move your fresh air base
12 up, and then you go another thousand
13 feet. And we call it an air-locking
14 system, where we air-lock our way in.

15 Basically what was going on
16 right there is we knew that the face
17 was at 26 crosscut. Yes, we were
18 going to go further than a thousand
19 feet. The air quality was bad, but
20 it wasn't a situation where you would
21 die or anything if your apparatus
22 failed or if you had a major problem.
23 We felt the risk was worth taking and
24 we had the radios to communicate back
25 and forth, and we went for the face.

1 We went to try to find the barricade.

2 Q. So it was a calculated risk?

3 A. Yes.

4 Q. And if you would have had to
5 go the other route?

6 A. Well, it would have probably
7 taken us a couple more hours at least
8 until we advanced a thousand feet
9 until we set up our air-lock system,
10 until we advanced our ventilation,
11 flushed out the CO in there to allow
12 a fresh air base and a backup team to
13 come up there in fresh air, and then
14 to go another thousand feet. I'm not
15 exactly sure how far in that was. It
16 was 26 blocks. So if they're
17 100-foot centers, we might have had
18 to do that another time to even go
19 again. So there might have been as
20 many as three builds or two builds
21 for sure to make it the whole way to
22 the face.

23 MR. O'DONNELL:

24 Okay.

25 BY MR. RUTLEDGE:

1 Q. You said that when you started
2 out carrying Mr. McCloy, you got so
3 far back toward the fresh air base
4 and your whistle went off?

5 A. Yes.

6 Q. That's the warning whistle on
7 your apparatus, indicating that you
8 were getting low on oxygen?

9 A. Yes.

10 Q. At the time that whistle went
11 off, how much oxygen did you probably
12 have left?

13 A. Probably had about 700 psi,
14 somewhere in --- give or take a
15 little bit.

16 Q. And you didn't have any
17 trouble getting to the fresh air
18 base? You still had --- any idea how
19 much when you got back there?

20 A. I don't have any idea how much
21 I had whenever I finally got out. We
22 were probably --- when that whistle
23 went off, I was probably at Ten
24 crosscut. So we probably had ten
25 more blocks to come. And I couldn't

1 have got out any faster.

2 Q. But you covered that distance
3 in a very short time, ---

4 A. Yes.

5 Q. --- just a few minutes?

6 A. Yes.

7 Q. And you said that was a BG-4?

8 A. Yes.

9 Q. And when you got to the Two
10 Left switch there, you put a BG-4 on
11 or someone put a BG-4 on Mr. McCloy?

12 A. Put an apparatus on him. I'm
13 not sure because not everybody has
14 BG-4s. I'm not sure what apparatuses
15 were down there. It could have been
16 a 174. I'm not sure what went on.
17 But I'm pretty sure at that point
18 someone put an apparatus on him.

19 MR. RUTLEDGE:

20 One second, please.

21 OFF RECORD DISCUSSION

22 MR. RUTLEDGE:

23 Okay. Thanks.

24 MR. O'DONNELL:

25 Mr. Hixson, do you have

1 anything you'd like to add
2 that may be relevant to the
3 investigation?

4 A. The only thing I'd like to say
5 is that, you know, I know there was a
6 lot of press and there was a lot went
7 on with the communications. And as
8 far as the guys underground, speaking
9 for myself on down the line, I'm not
10 blaming anybody or whatever, but we
11 were in a very difficult situation.
12 If that communications would have
13 stayed where it was supposed to, at
14 the command center, and not got out,
15 none of that would have happened.
16 And I feel as bad for those families.
17 I mean, that was a terrible thing
18 that they had to go through. I just
19 think as far as mine rescue, you
20 know, any time I've ever been
21 involved in it, when we're calling
22 outside, that information is checked
23 and double checked and triple checked
24 before it's ever written down, before
25 it's ever --- you know, it's

1 verified. And it never had a chance
2 to be verified this time. It kind of
3 messed everything up. That's all.

4 MR. O'DONNELL:

5 On behalf of MSHA, I
6 want to thank you for
7 appearing and answering
8 questions today. Your
9 cooperation is very important
10 to the investigation as we
11 work to determine the cause of
12 the accident.

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

23 After questioning other
24 witnesses, we may call you if
25 we have any follow-up

1 questions that we feel we may
2 need to ask you. If at any
3 time you have additional
4 information regarding the
5 accident that you'd like to
6 provide to us, please contact
7 us at the contact information
8 that we've previously provided
9 to you.

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

17 A. None.

18 MR. O'DONNELL:

19 Again, we want to thank
20 you for coming forward, Ron.

21 * * * * *

22 SWORN STATEMENT CONCLUDED

23 AT 3:17 P.M.

24 * * * * *

25

