

# Preliminary Report of Accident

U.S. Department of Labor  
Mine Safety and Health Administration



PR001 05/22/2024

<b>1. Accident Type</b> F - Fatal Injury		<b>2. Accident Classification</b> 17 - Machinery		<b>3. Date/Time of Accident</b> 05/16/2024 2:15 AM		<b>4. Date/Time of Death</b> 05/16/2024 2:15 AM		<b>5. Fatal Case No</b> FAI-7034569-1	
<b>6. Mine Information</b>									
<b>a) Mining Company Name:</b>		CM Energy Operations LP							
<b>b) Mine Name:</b>		Coal Mountain No 1 Surface							
<b>c) Parent of Mining Company:</b>		Scott Kiscaden							
<b>7. Mine Location Information</b>				<b>8. Mine ID Number</b>		<b>9. Union</b>			
<b>a) City</b> Coal Mountain		<b>b) County</b> Wyoming		<b>c) State</b> WV		46-09062		No	
<b>10. Primary Mineral Mined</b> Bituminous Coal Underground Mining				<b>11. Number of Employees</b>		<b>c) Open Pit/Quarry</b>		<b>d) Mill/Prep Plant</b>	
				<b>a) Total</b> 15		<b>b) Underground</b>		<b>e) Other</b>	
<b>12. Contractor Name</b> Cornerstone Labor Services, Inc.						<b>13. Contractor Union</b> Yes		<b>14. Contractor ID Number</b> B4839	
<b>15. Contractor Address</b>				<b>c) State</b>		<b>d) Zip Code</b>			
<b>a) City</b> Ashland		<b>b) County</b>		VA		23005			
<b>16. Number of Contractor Employees</b>				<b>c) Open Pit/Quarry</b>		<b>d) Mill/Prep Plant</b>		<b>e) Other</b>	
<b>a) Total</b> 119		<b>b) Underground</b>		119					
<b>17. Number of Persons in Mine at Time of Accident</b>				<b>18. Number of Persons Unaccounted for</b>					
<b>a) Mine Employees</b> 5		<b>b) Contractor Employees</b> 54		<b>a) Mine Employees</b>		<b>b) Contractor Employees</b>			
<b>19. Accident Location</b> 03 - Open Pit								<b>20. Mining Height</b> Feet Inches	
<b>21. Nonfatal Injuries</b> 0		<b>22. Fatal Injuries</b> 1							
<b>23. Victims Information</b>									
<b>Virgil Paynter</b>									
<b>a) First Name</b> Virgil		<b>a) MI</b> S		<b>a) Last Name</b> Paynter		<b>b) Age</b> 59		<b>c) Regular Job Title</b> Excavator Operator	
						<b>d) Activity at Time of Accident</b> Clearing rock from top of highwall		<b>Employee</b> Contractor Employee	
<b>24. Mining Experience</b>									
<b>a) Total Experience</b> 0 Years 7 Weeks 1 Days		<b>b) Experience at the Mine</b> 0 Years 7 Weeks 1 Days		<b>c) Experience at the Activity at the Time of the Accident</b> 0 Years 7 Weeks 1 Days				<b>d) Experience with Contractor</b> 0 Years 7 Weeks 1 Days	
<b>25. Autopsy Performed</b> Yes				<b>If Yes, Location</b> Charleston, WV					
<b>26. Mine Telephone No.</b> (304) 583-9174									
<b>27. Description of Accident (include equipment involved, the exact location in the mine, and status and recovery operations)</b> A contractor died after the excavator he was operating fell over a highwall.  <i>The information provided in this notice is based on preliminary data ONLY and does not represent final determination regarding the nature of the incident or conclusions regarding the cause of the accident.</i>									
<b>28. Equipment Manufacturer</b> Caterpillar				<b>29. Model</b> 374F					
<b>30. District</b> C1200 - Pineville District				<b>32. Field Office</b> C1201 - Pineville WV Field Office				<b>33. Event Number</b> 7034569	
<b>34. Accident Investigator</b>		<b>MI</b>		<b>Last Name</b>					
First Name Michael		S		Keene					
<b>35. MSHA Person Notified</b>		<b>MI</b>		<b>Last Name</b>		<b>Date/Time Notified</b>			
First Name Kenny				Butcher		05/16/2024 2:54 AM			
<b>36. Type of Report</b> Initial		<b>37. Name of Preparer</b>				<b>Date Prepared</b>			
		Full Name Herman D Morgan				05/16/2024			
<b>38. Reason for Amendment</b>									