

3-1-13

DEAR HONORABLE JUDGE KATHY A. SURRATT-STATES.

I HAVE ENCLOSED THE FOLLOWING PAPERS PERTAINING TO PATRIOT COAL BANKRUPTCY CASE NUMBER 12-51502. I WOULD APPRECIATE IF YOU WOULD TAKE TIME TO READ THEM.

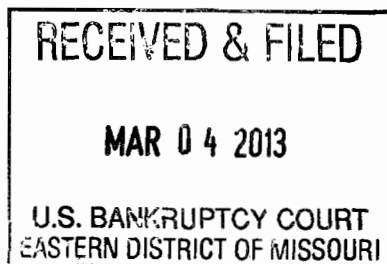
MY FATHER WAS BERNARD TOLER (DECEASED 1-22-04) HE WORKED IN COAL MINES FOR 41 $\frac{3}{4}$ YEARS.

I HAVE ENCLOSED PAPERS STATING WORKING CONDITIONS AND VARIOUS JOBS HE DID TO EARN HIS HEALTH AND RETIREMENT BENEFITS. ITEM #1 PAPER.

I HAVE ENCLOSED LETTER FROM ARCH COAL TO BERNARD TOLER STATING THAT HE IS ENTITLED TO LIFE-TIME HEALTH AND RETIREMENT COVERAGE FOR HIM AND HIS SURVIVING SPOUSE. ITEM #2 PAPER.

MY MOTHER (DONNA TOLER) IS A SURVIVING SPOUSE. SHE DEPENDS HEAVILY ON HER MONTHLY RETIREMENT CHECK TO PAY UTILITY BILLS AND HER HEALTH COVERAGE FOR MONTHLY DOCTOR AND PERScription DRUG COSTS.

I HAVE ALSO ENCLOSED WORK HISTORY AT ARCH CAPTAIN MINE FOR MYSELF. ITEM #3 PAPER. AND LETTER FROM ARCH COAL STATING I WILL BE ENTITLED TO HEALTH BENEFITS AT AGE 55. ITEM #4 PAPER.



THANK YOU
BRIAN K TOLER
8166 STATE ROUTE 14
DU QUOIN IL, 62832

PHONE 6185425009

TO WHOM IT MAY CONCERN - RE:BLACK LUNG

Applicant: Bernard B Toler - ██████████
Official time in mines: 41 3/4 years.

- A. I have breathed coal or rock dust all of my coal mine employment.
- B. I still suffer from severe headaches, persistant coughing, stress, heart malfunction, (under going tests at present time). Breathing tubes stopped up (have to breathe through mouth). Had surgery to nasal passage in 1981(temporary relief).I have never smoked in my life and we do not have any smokers in our family.
- C. Work History - New Kathleen Mine, Underground
1. 1951-1958 - Worked in a coal seam which averaged about 6 ft. Primary job was roof bolter. We started with a jack hammer which was real dusty. We later had some single boom roof bolters which were electric and were made in our mine shop. There was only an auger to drill the holes in the coal and rock. No dust collection system of any sort. The foreman said a good hairy nose was your best filter. We had to wear eye shields riveted to our hard hat brims to keep the cuttings out of our eyes.
 2. Other jobs were coal shooter, driller(coal), cutting machine helper, loading machine operator and helper, shuttle car operator.
Coal shooter - we used compressed air and some long pipe tubes(10ftlong-3½ diameter) approximately 45lbs each. They were put into the holes drilled horizontally into the coal seam and discharged. This broke the coal into small chunks creating a tremendous amount of coal dust into the air. There was very little effort made to control the dust except when a mine inspector(state or federal) was present.
Coal driller - We were required to run the coal drill while the regular drillers ate their lunch. This was at least one hour daily. At least 12(and sometimes more) 8 ft holes 4" in diameter were drilled horizontally into the coal face. This is 96ft per face and an average shift was about 23 faces. 23X96ft each = 2208 ft of drilling into solid coal per shift with out any dust collection system at all.
Cutting machine - We were required to "stagger" or replace the undercutting machine crew while they ate their lunch. This machine cut a 4" slot across the coal face just off the floor. It had a 10ft cutter bar(like a chainsaw) and carbide tipped bits chewed the coal into fine powdery dust. We had a small garden water hose(3/4dia) to spray on the bits but it did not do much good.
Loading machine - This was a conveyer type machine with gathering arms which scooped up the coal and deposited it into shuttle cars or "buggys". This was an extremely dusty machine and visibility at times was about 6ft. There was no dust control at all on this phase of the operation.
Shuttle car - Transported the coal from the face area to the belt. Visibility was so bad you could not tell when your car was loaded. The loading machine operator would ring a bell when you were loaded.
 3. We had a vacation period of 7 to 10 days during this time frame (pre-1969). You would still be coughing and spitting up black phlegm after 10 days away from the dusty conditions.

Work History continued:

1959-Was employed at Orient #2 mine, underground, at West Frankfort, Il. Did a lot of roof bolting with a small hand held "dooley" drill which augered a hole vertically into the mine roof and had no dust controls of any sort. I also worked on a production crew and did basically the same jobs as described previously at New Kathleen Mine(1951-1958).

1960-1961 - Mine construction. Worked for Silas B Campbell Construction of Orient #5 Mine at Benton, IL. Worked as laborer. Poured underground floors, breathed a lot of dust.

1961-1963 - Worked for Freeman Coal Corp.(underground) at Benton, IL.

I was a roof bolter about 2 years and a mine examiner one year. The dust collection systems on roof bolters were being experimented with about this time, but were not successful. During the time I was a mine examiner, I was in a bad atmosphere(gob or wastelands) much of each shift. I was in a mine fire at this mine in 1963 which killed 3 miners. In developing this track haulage mine, we had to keep the entries or tunnels on a level grade and had to drill into and blast with dynamite the layers of solid rock above and below the coal seam for great distances. We had one worker die as the result of breathing fumes.

1963-1966 - I worked as a mine sinker and examiner for Old Ben Coal Corp., at their new #24 mine at Benton, IL (underground). Mine sinking is like drilling or blasting a tunnel, but we go down instead of horizontal. One shaft was about 750 feet deep and the second was about 900 feet. We drilled holes in to the solid rock, loaded these holes with explosives, blasted the rock loose, loaded the loose rock into a hoisted bucket, set concrete forms, poured the 33 feet on concrete wall, removed the forms and started the cycle over again. It was very hard work with a minimum amount of ventilation in the shafts. While we were drilling rock, visibility was about 3 feet. It took 2 years to construct the shafts during which time we had two fatal accidents. I was a mine examiner for one year and worked under extremely dusty conditions.

1966-1993 - Surface mine - Captain Mine, Percy, IL. 1966-1975 -Worked on the vertical drills. This was very dusty as we were in rock most of our drilling. We would drill from 750ft to 1,000ft per shift. Our drills worked in the pits close to other equipment such as the coal loading shovel (from which we were constantly breathing coal fines) and the stripping shovel which gave you a mixture of coal dust and silica dust to breathe. The holes were 10 inches in diameter and were drilled to depth of from 30ft to 90 ft deep in solid rock. This was very hard work as we had to back fill the holes by hand with shovels after we had put explosive charges into them. We worked 7 days a week and lots of overtime increasing our exposure time. The entire pit operation was very dusty. Our water sprinkling truck did not have operable headlights and could not water the roadways after dark.

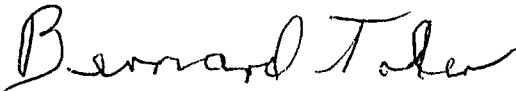
1975-1976 - I operated a "scraper" which is an earth mover type rubber tired excavator. The roads and working areas were dusty but it was a dirt type atmosphere.

1976-1993 During the sixteen plus years that I worked as an electrician, in pits and in the shop, we were constantly in dusty areas. The pits were dusty, the haulage trucks(some hauled 150 tons each) kept the coal fines in suspension all along the roadways. The coal loading operation gouged the coal out creating coal fines in suspension in the air. When we would change power cables on large stripping machines, we would be so covered with black dust we looked as though we had just put in 8 hours in a dusty underground mine at the face. This work was extremely hard as we had a lot of steps on the machines to climb, a lot of mud to wade, extremely stressful working conditions. We worked seven days a week and a lot of overtime to keep things running.

Captain Mine continued - I injured a knee in 1989 and from then on I suffered a lot of knee pain getting in and out of the large trucks which we drive. The work force kept being reduced and increased the load each was to do. It developed into extremely stressful situation. we had to wear large rubber boots most of the time. Walking up and down steps, inclines, and ramps was vey difficult.

I feel that I worked as long as I was physically able, legs gave out, difficulty in breathing, but had no choice except retiring at age 62+. I was asked almost daily by company and union people when I was going to retire during the last stages on employment. My reply was "I am going to work as long as I can." I feel that the breathing of coal and rock dust (silicia) over the years was a contributing factor to my having to retire.

Respectfully submitted,



Bernard Toler

~~SNY 000-00-4500~~

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ARCH OF ILLINOIS

Division of Apogee Coal Company
P. O. BOX 308
PERCY, IL 62272-0308
TELEPHONE: (618) 497-2141

TELEPHONE
CONANT MINE
(618) 357-3316
KATHLEEN MINE
(618) 497-8333

TELEPHONE
CAPTAIN MINE
(618) 497-2141
HORSE CREEK MINE
(618) 357-5383

March 23, 1993

Bernard Toler
R. R. 1, Box 426
DuQuoin, IL 62832

Arch of Illinois has been notified of your 1974 Normal Retirement effective February 1, 1993. Our records indicate you were hired by Arch on July 11, 1966 and retired at age 62 after more than 26 years of service.

AS A PENSIONER: Based on stipulations in effect during this 60 day extension of the 1988 Labor Agreement, your health and life insurance will be effective while you are retired and your earnings from employment do not exceed \$500. in any one month. Benefits for you and your spouse may be affected by other income and insurance such as Social Security Disability, Black Lung, Medicare, Medicaid, and any Federal or State health care as well as by any group Plans either of you may be entitled to as the result of current or past employment and military service. ARCH MUST BE INFORMED ABOUT THESE CHANGES.

MEDICARE: Your current Plan requirements and existing laws allows Medicare to pay for medical charges before the Arch Plan at the time either of you are eligible for Part A and Part B. PLEASE SEND A COPY OF YOUR MEDICARE CARD WHEN YOU RECEIVE IT.

LIFE INSURANCE: Since February 1991, the 1974 Health and Retirement Funds has assumed the obligation to pay the death benefits for pensioners. Your local UMWA office may be able to advise you about life insurance.

CO-PAYMENTS: Drug co-payments are \$5. for each 30 day prescription to \$50. for a Plan Year which is March 27th to March 27th. Doctors visits are subject to a \$5. co-payment to \$100. for a Plan Year.

DENTAL COVERAGE: Is available for active employees only.

VISION COVERAGE: Is available for active employees and pensioners.

✓ STATUS OF YOUR INSURANCE: Lifetime coverage for you and continued coverage for your spouse according to the Labor Agreement stipulations.

These benefits are contained in the 1988 Agreement which expired February 1, 1993, and which is now in an extension period to May 3, 1993. All benefits are subject to revisions contained in future Agreements. It is advisable to keep copies of all medical care received and all payment information from the Arch Program and later from Medicare.

We wish you a healthy and enjoyable retirement and we thank you for the many years of dedicated service with Arch.

Director's Exb. No. 4 Charlene Joost
AoI - Medical Services
Consisting of 2 pages.

RECEIVED
U. S. Department of Lab
BLACK LUNG PROGRAM

NOV 27 1993



July 13, 1998

ARCH OF ILLINOIS
Division of Apogee Coal Co.
P.O. Box 308
Percy, IL 62272-0308

To Whom It May Concern:

This letter is to verify that Brian K. Toler, Socail Security [REDACTED] was employed at Arch's Captain Mine on June 26, 1976 as summer help. On December 10, 1976 he was employed as a full time employee at Captain Mine. Mr. Toler's work history is as follows:

06-26-76	Summer Help
08-30-76	Returned to school
12-10-76	Hired as full time employee, Utility Man
12-15-76	V-Con Operator
01-10-77	Electrician Helper
02-07-77	Electrician
10-11-78	Loader Oiler
04-24-80	61-R Drill Shooter
12-17-80	Electrician
01-02-81	Belt Wagon Operator
06-09-81	Car Dump Operator
10-31-81	Electrician
11-05-82	Driltech
08-05-85	Utility Machine Fill-In
10-27-87	Coal Loader Oiler
11-18-92	45-R Drill Shooter
07-06-98	Laid off

Mr. Toler is currently on laid off status at Captain Mine.

Sincerely,

Ruth Wolter
Payroll Supervisor

cc: B.Toler
File



ARCH OF ILLINOIS
Division of Apogee Coal Co.
P.O. Box 308
Percy, IL 62272-0308

April 6, 1999

Mr. Brian Toler
8166 State Route 14
DuQuoin, IL 62832

Dear Mr. Toler:

Congratulations on your recent retirement! Arch of Illinois would like to thank you for your years of service and wish you a safe and healthy retirement.

As a laid off miner, you and your dependents will maintain the one year of health coverage with Arch of Illinois until August 1, 1999. At that time, you may purchase the health insurance for an additional six months by completing the COBRA notification form mailed to you at the time of your lay off.

Upon attaining age 55, you and your dependents may be eligible for health benefits with Arch of Illinois. When you are about to attain age 55, you should contact our office to inquire about your eligibility.

If you should have any questions, please contact me at (618) 497-2141 ext. 228. Remember, it is your responsibility to contact Arch of Illinois upon attaining age 55 regarding your retirement health benefits.

Sincerely,

ARCH OF ILLINOIS

A handwritten signature in cursive script that reads 'Jill R. Coleman'.

Jill R. Coleman
Manager - Human Resources

Brian K Toler
8166 State Route 14
Du Quoin IL 62832-4043

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2013 MAR -4 AM 10: 34

CLERK, US BANKRUPTCY COURT
EASTERN DISTRICT
ST. LOUIS, MISSOURI-MR

TO. THE HON. KATHY A. SURRETT-S
RE. CASE NO. 12-51502
THOMAS F. EAGLETON U.S. COURTH
111 S. 10 ST. 4TH FLOOR
ST. LOUIS, MO. 63102

POSTNET



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