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TIMES WEST VIRGINIAN



'Fired up'

Union rallies outside Patriot Coal over pension, health benefits

BY EMILY GALLAGHER
TIMES WEST VIRGINIAN

SCOTT DEPOT — As Travis Catsonis, Patrick Park and Russell Wright marched and rallied through a small business park they had one common question.

"What's our future?" The three men are current coal miners in North Central West Virginia and members of the United Mine Workers of America (UMW).

These men joined 1,200 current and retired miners and their families Monday to protest recent Patriot Coal arguments in Federal Bankruptcy Court.

In May, Patriot filed chapter 11 bankruptcy for the second time.

The coal company is expected to argue in federal court that it should be allowed to eliminate its collective bargaining agreement with the UMW and to strip any obligation to continue making contributions to the UMW 1974 Pension Plan.

Patriot was set to have a hearing in Federal Bankruptcy Court Monday in Richmond, Virginia, but it was canceled.

The rally was led by UMW



United Mine Workers of America member and retired miner Jack Rinehart yells a chant at a rally Monday in Scott Depot. The UMW was protesting recent arguments from Patriot Coal involving the UMW 1974 Pension Plan.

PHOTOS BY EMILY GALLAGHER

International President Cecil Roberts and Secretary-Treasurer Dan Kane, who "fired up" UMW members.

It began in the parking lot of the Teays Valley Cinemas with comments from Roberts and Kane. The two and others on

the UMW executive board led a march just down the road to Patriot headquarters.

UMW officials said they had no plans of their members being arrested and had intended a peaceful protest. No arrests were made during the protest but there



United Mine Workers of America International President Cecil Roberts (right) talked to around 1,200 current and retired coal miners and their families Monday in Scott Depot to protest of recent arguments made by Patriot Coal.

■ For video footage and a slideshow of photos from Monday's protest, visit timeswv.com.

was a police presence from the West Virginia State Police.

In generating Monday's protest, Roberts said Patriot's court hearing, which was canceled, was for the company to file chapter 11 and chapter 13 motions to terminate a contract and pension plans between them and the UMW.

Despite the cancellation of the hearing, the UMW went on with the rally.

Just a few hours before the rally was set to start, Patriot announced they filed an asset purchase agreement with with ERP Compliant Fuels LLC (ERP), an affiliate of Virginia Conservation Legacy Fund Inc. (VCLF), in Federal Bankruptcy Court.

According to a press release from Patriot, the agreement provides for the acquisition of substantially all of Patriot's assets and liabilities not included in the previously announced sale agreement with Blackhawk Mining LLC in June.

The release states under the terms of the agreement, VCLF/ERP would acquire, among other assets and liabilities, the Federal Mining Complex in northern West Virginia. This would include the Federal 2 mine, the Corridor G

SEE **UNION**, PAGE 8A



United Mine Workers of America International President Cecil Roberts (second from right) yells a chant into a microphone outside of Patriot Coal headquarters in Scott Depot.



United Mine Workers of America members chant during a rally.

West Virginia's tax structure isn't keeping businesses away

BY PAMELA PRITT
FOR THE TIMES WEST VIRGINIAN

CHARLESTON — Secretary of Commerce Keith Burdette told the Joint Committee on Tax Reform Monday that it isn't the state's tax structure keeping businesses away.

Instead, Burdette told the committee, companies that investigate the Mountain State for expansion or start-up find that lack of flat land is the biggest disincentive. Less than 3 percent of land is the state is considered level, he said.

"Location is our No. 1 problem," Burdette said. "We don't lose prospects over taxes; I'm not sure we lose them over regulations any more. We lose them over site."

Legal and regulatory issues rank Nos. 2 and 3, respectively, he said.

Burdette said lack of an educated workforce also hurts West Virginia when businesses want to locate here. He said it should be "no surprise" that states with the lowest number of residents who have college degrees also have the lowest median income.

According to the U.S. Census Bureau, 18.3 percent of state residents have college degrees, 10 points lower than the national average. The median income in West Virginia is \$39,170, 48th in the nation, according to the bureau.

Burdette said CNBC ranks the state No. 7 for cost of doing business because of its competitive tax climate, utility costs, cost of wages and cost of rent for office or industrial space.

However, the state ranks much lower in workforce issues (36th) for education level, number of available employees, productivity and worker training programs, as well as infrastructure (42nd), because of access to transportation, quality of roads and bridges, commute time and safe drinking water, according to the CNBC rankings.

In economy, CNBC ranked West Virginia 36th because of strength and

SEE **TAX**, PAGE 8A

BOE members approve funding for Truancy Diversion Initiative

Program would help keep children in school

BY ANGELEE WILEY
TIMES WEST VIRGINIAN

FAIRMONT — Officials are working toward implementing a program that would keep children in school.

At the Marion County Board of Education meeting on Monday at the

central office, board members unanimously approved an application for funds to provide a school-based probation officer in Marion County.

The Truancy Diversion Initiative is something that came about from Senate Bill 393 that was passed during the latest legislative session.

Charles Hlusko, the attendance director for Marion County Schools, said Governor Tomblin set aside \$2 million that would be divided between all

"We have a lot of different support mechanisms to help students be successful in their quest to graduate from high school. This will be the opportunity for students to have someone intervene if they are not working well toward graduation and not attending regularly." — GARY PRICE, SUPERINTENDENT OF MARION COUNTY SCHOOLS

counties in West Virginia for the Truancy Diversion Initiative.

The \$2 million was then given to the West Virginia Board of Education.

The Marion County BOE would pay half of the officer's salary, which is about \$30,000, while the other half of the money would come from the West Virginia BOE.

During Monday's meeting the Marion County BOE members approved to give 50 percent of the funding toward the initiative.

They also approved for Gary Price, the superintendent of Marion County Schools, to apply for a grant from the West Virginia Board of Education for the remaining funds to employ the probation officer.

SEE **BOE**, PAGE 8A

DEATHS

**Madeline Fletcher
Effie Hawkins
John Hinerman
Eloise Kovach
Harold Lawson**

**John "Jack" Martin
Wilda "Woody" Prah
Mary Seccuro
Elizabeth Jane Shutler**

— Page 4A

AGAINST THE ODDS



Keep fighting

Chrissy Daugherty does whatever she can to give back to the community and to raise awareness about colon cancer. If someone spends a few minutes talking with her, they may not even realize that she's going through a battle herself. — Page 8B

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Vol. 115, No. 230



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AccuWeather.com Marion County Five-Day Forecast

| Today | Tonight | Wednesday | Thursday | Friday | Saturday |
|--|--|---|---|---------------------------------------|---------------------------------------|
| | | | | | |
| Not as warm with a thunderstorm in spots | A thunderstorm around early; patchy clouds | A shower and t-storm around in the p.m. | A couple of showers and a heavy t-storm | Sunshine and patchy clouds | Partly sunny |
| 81° RFT: 89° | 68° RFT: 68° | 84° 69° RFT: 94°/68° | 79° 60° RFT: 86°/61° | 80° 57° RFT: 89°/57° | 83° 62° RFT: 91°/60° |

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Almanac

Through 5 p.m. yesterday
Temperature:
 High 93°
 Low 64°
Precipitation:
 24 hours to 5 p.m. yest. ... 0.00"

UV Index Today

8 a.m. 1
 Noon 6
 4 p.m. 3
 0-2, Low; 3-5, Moderate; 6-7, High; 8-10, Very High; 11+, Extreme

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Arthritis Index Today

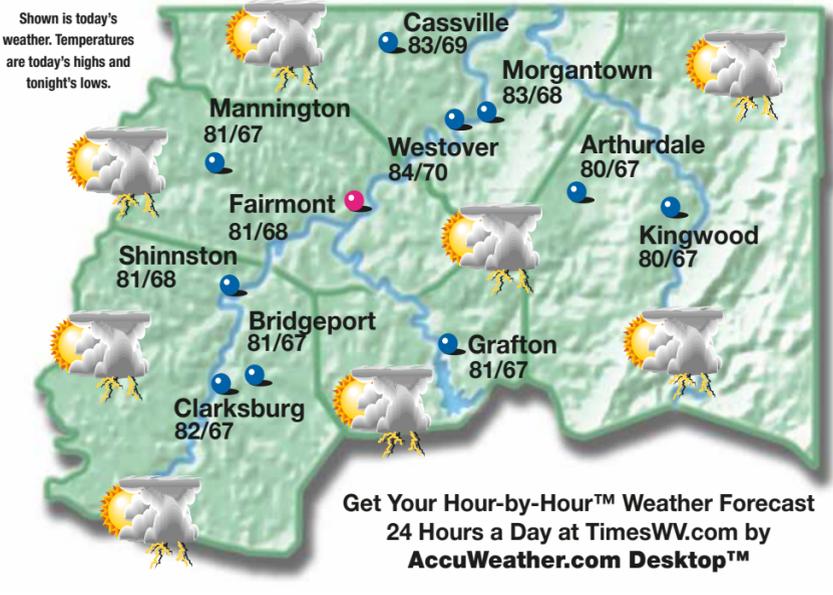
The Arthritis Index shows how today's weather conditions affect arthritis sufferers.

High

Sun and Moon

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 Sunset tonight 8:13 p.m.
 Moonrise today 10:17 a.m.
 Moonset today 10:12 p.m.

Moon Phases



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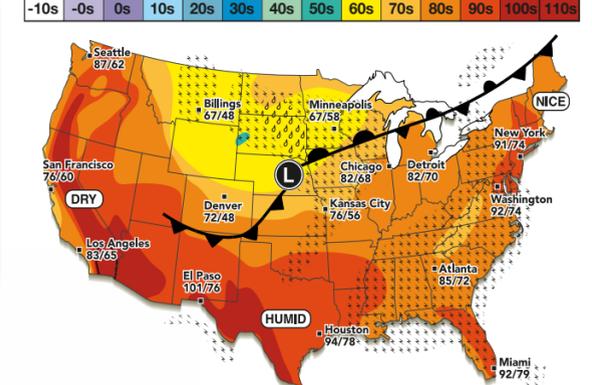
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National Weather



Legend:
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Shown are noon positions of weather systems and precipitation. Temperature bands are highs for the day.

The Region

| City | Today | Tom. |
|---------------|----------|---------|
| Beckley | 74 65 pc | 80 66 t |
| Bluefield | 76 68 t | 80 67 t |
| Buckhannon | 80 67 pc | 82 68 t |
| Canaan Valley | 74 62 t | 77 63 t |
| Charleston | 82 69 pc | 84 70 t |
| Clarksburg | 82 67 pc | 84 68 t |
| Cumberland | 84 69 pc | 85 70 t |
| Elkins | 79 64 pc | 82 66 t |
| Grafton | 81 67 pc | 84 69 t |
| Huntington | 81 68 pc | 82 67 t |
| Kingwood | 80 67 pc | 83 68 t |
| Logan | 82 70 pc | 86 70 t |
| Martinsburg | 85 67 pc | 81 69 t |
| Parkersburg | 82 68 pc | 84 67 t |
| Pittsburgh | 81 68 pc | 85 69 t |
| Snowshoe | 72 63 pc | 76 63 t |
| Weirton | 82 67 pc | 86 70 t |
| Weston | 80 67 pc | 84 69 t |
| Westover | 84 70 pc | 87 70 t |
| Wheeling | 80 67 pc | 84 67 t |

The Nation

| City | Today | Tom. |
|----------------|----------|----------|
| Anchorage | 68 52 sh | 68 49 s |
| Atlanta | 85 72 t | 85 71 t |
| Baltimore | 89 70 t | 82 71 t |
| Boston | 88 71 t | 85 68 pc |
| Charleston, SC | 85 75 t | 88 75 t |
| Charlotte | 82 71 t | 88 71 t |
| Chicago | 82 68 c | 77 57 t |
| Cleveland | 82 67 t | 87 63 t |
| Columbus | 81 70 pc | 85 65 t |
| Dallas | 98 78 s | 84 66 t |
| Denver | 72 48 t | 73 53 pc |
| Myrtle Beach | 84 75 t | 88 76 t |
| Las Vegas | 107 79 s | 106 79 s |
| Los Angeles | 83 65 pc | 81 65 pc |
| New York City | 91 74 s | 83 73 pc |
| Orlando | 91 75 t | 92 75 t |
| Philadelphia | 93 74 t | 85 74 t |
| Phoenix | 107 85 s | 106 84 s |
| St. Louis | 88 69 t | 76 60 t |
| Wash., DC | 92 74 t | 84 76 t |

W-weather, s-sunny, pc-partly cloudy, c-cloudy, sh-showers, t-thunderstorms, r-rain, sf-snow flurries, sn-snow, i-ice.
 Forecasts and graphics provided by AccuWeather, Inc. ©2015

Pentagon plans to increase drone flights by 50 percent

BY LOLITA C. BALDOR ASSOCIATED PRESS

JOINT BASE LANGLEY-EUSTIS, Va. — Faced with escalating aggression from Russia and China, the Pentagon is planning to increase its use of drones by about 50 percent over the next several years, using the Army and civilian contractors to put more of the unmanned aircraft in the air.

The decision to add Army and civilian-operated missions to the mix was triggered because the Air Force — which had been running about 65 combat air patrol missions a day — asked to

decrease that number to 60 because of stress on the force. But 60 patrols don't come close to meeting the demands of top military commanders facing growing security threats around the world.

Senior U.S. officials said that while drones have been used largely to target terrorists and collect intelligence over combat zones, those needs may shift in the coming years.

Top military leaders, including the incoming chairman of the Joint Chiefs of Staff, Gen. Joseph Dunford, have named Russia as the nation's most serious security threat. And China's rising mili-

tary power and island-building program in the South China Sea have increased tensions and prompted a greater demand for U.S. surveillance and intelligence across the Pacific.

One senior defense official said Pentagon leaders are taking those security challenges into account as they decide how armed and unarmed drones will be used across Europe and the Pacific. The officials spoke on condition of anonymity because they weren't authorized to discuss the issue publicly.

Pentagon leaders have been wrestling with the problem for some time, as the need for more

airstrikes and surveillance by drones over Iraq and Syria to battle the Islamic State group offsets a decline in unmanned flights over Afghanistan as the war there winds down. Under the plans laid out by senior defense officials, the Air Force would continue to provide 60 daily drone missions, while the Army would conduct about 16, and U.S. Special Operations Command and civilian contractors would do up to 10 each.

"It's the combatant commanders, they need more. They're tasked to do our nation's business overseas so they feel that stress on them, and it's not getting better,"

said Air Force Maj. Gen. J.D. Harris, Jr., vice commander of Air Combat Command at Joint Base Langley-Eustis. "There's just not enough of the Air Force to go around."

The civilian contractors would fly surveillance drones, not the armed aircraft. But senior defense officials said they need at least a small contractor contribution in order to reach the total of 90 combat air patrols per day.

The key unanswered questions, however, are how the Pentagon will pay for the additional patrols and how the military will sort out and analyze the growing torrent of data pouring in.

Pennsylvania

HARRISBURG — Here are the Pennsylvania Lottery night selections for Monday:
Pick 2: 5-5
Pick 3: 7-2-6
Pick 4: 3-7-0-6
Pick 5: 0-6-2-5-3
Treasure Hunt: 05-11-22-36-38
Cash 5: 05-14-22-23-27

West Virginia

CHARLESTON (AP) — These West Virginia lotteries were drawn Monday:
Cash 25: 01-04-18-20-24-25
Daily 3: 6-6-1
Daily 4: 7-2-8-2

Hot Lotto

DES MOINES, Iowa (AP) — The winning numbers in Saturday evening's drawing of the "Hot Lotto" game were: 03-04-22-24-25. Hot Ball: 10.

Powerball

ORLANDO, Fla. (AP) — The winning numbers in Saturday evening's drawing of the "Powerball" game were: 03-13-17-42-52. Powerball: 24. Power Play: 4.

Mega Millions

ATLANTA (AP) — The winning numbers in Friday evening's drawing of the "Mega Millions" game were: 12-15-20-52-71. Mega Ball: 3.

Union

CONTINUED FROM PAGE 1A

Mining Complex in southern West Virginia and other mining permits for purposes of land reclamation and water quality improvement.

"With the two sales, Patriot will most likely be out of the coal business," Roberts said. "Which we predicted when they filed for bankruptcy the second time around."

The release provided by Patriot didn't mention the UMW's pension plan. However, it did mention that VCLF/ERP is assuming liabilities in excess of \$400 million in connection with Patriot's workers' compensation, state black lung and environmental obligations.

Roberts said UMW officials

have been able to talk with Blackhawk leaders and have been working to find an agreement.

"Those potential owners have been in to see us," Roberts said. "We're in hopes of working something out with them."

Although discussions with Blackhawk is a step in the right direction for the UMW, Roberts said Patriot can still file motions in court to eliminate its contract with the UMW and any obligation to continue making contributions to the UMWA's pension plan.

"We could have ended up without our jobs and would have had to fight from the outside in," he said. "Right now it looks like

things are looking up for us."

That good news, according to Roberts, is that an employer wants to talk with the UMW.

With Patriot's announcement Monday of the purchase agreement and agreement with potential buyer Blackhawk, Roberts said he believes the efforts the UMW has put forth over the past few years has made a difference.

"These people want to fight for their jobs, healthcare and pensions, that's why they (were here Monday)," Roberts said. "If they had not fought back, I don't know where we'd be."

In fighting for their jobs, Catsonis, Park and Wright joined UMW members from West Virginia, Virginia, Pennsylvania,

Kentucky and Ohio at the rally.

Catsonis, an underground electrician at the the Federal 2 mine, said he participated in the rally because he was frustrated.

He said he wanted to stand with his fellow UMW members.

The 37-year-old is one of the youngest miners that is left on the 1974 pension plan. He said if the contract is stripped away he will be one of many to feel the effects.

"I want to stand with the retirees," Catsonis said.

Park, who is a heavy media operator at the preparation plant at Federal 2, said he is also involved in the pension plan.

"I want to show (Patriot) that we have solidarity and we're not

going to stand for what they're trying to take away," he said.

Wright, who works on the Longwall of Federal 2, said during the past few years his concerns have risen.

"In the coal fields today, everyone seems to be a little on edge," Wright said. "You don't know what this company is going to take from you."

Roberts said with the rally he hoped to show Patriot that those in the UMW — like Catsonis, Park and Wright — will fight for their jobs and what was promised to them.

Email Emily Gallagher at egallagher@timeswv.com or follow her on Twitter @EGallagherTWV.

Tax

CONTINUED FROM PAGE 1A

diversity, job growth and creation, the state's fiscal health and the number of major corporations headquartered in the state.

While the state's leaders often tout the quality of life in the Mountain State, CNBC ranked it 40th because of crime rates, inclusiveness, the quality of health care and health insurance coverage, the overall health of state residents, local attractions and environmental quality.

And the state is last in technology and innovation because of lack of support, the number of patents issued to residents, its record of high-tech business formation and the number of federal health, science and agricultural grants to the state.

Other ratings played into the overall state ranking — education (34th), business friendliness (48th), cost of living (24th) and access to capital (43rd). Burdette said lawmakers should not pay that much attention to rankings — because businesses don't.

"Companies aren't making decisions simply based on CNBC or any other state ranking. The cost of doing business is absolutely a key element," he said. "But you have to acknowledge that it is also clear it isn't

the only consideration. If it was, 80 percent of the businesses in the country would be clamoring to come to West Virginia.

"Simply making us the lowest cost state without acknowledging and focusing attention and resources on other factors which make an attractive business climate would be a mistake."

Committee members also heard about the Earned Income Tax Credit from WVU's Director of the Bureau of Business and Economic Research, Dr. John Deskins.

Deskins said the federal credit — which pays extra money to working people who file an income tax return — is also called a negative income tax.

The EITC is an incentive to enter the workforce, Deskins said, especially among single mothers, and has other benefits, such as improved health.

That may be important in a state with the worst workforce participation rate in the nation, he said.

However, Deskins was lukewarm about the EITC being a fix for the state's problems.

"I'm not sure we'll be able to overcome the challenges we face (with an EITC)," he said.

Sen. Mike Hall, R-Putnam, co-chair of the committee, said the concept of the credit — much like a business tax credit — was meant to drive activity.

"There's some empirical evidence that it does actually incent people to work," he said. "Whether the state can afford to add this credit when we're going to be down \$170 million ..."

Hall said the cost of the EITC would be about \$37 million.

"That's pretty big for us right now," he said.

Delegate Eric Nelson, R-Kanawha, the committee's other co-chair, said 160,000 West Virginians are already eligible for the state credit.*

"Maybe that's not the driver," he said.

Hall said residents who receive benefits like Medicaid worry about losing those benefits when they go to work, and suggested that a phased-in program that would allow them to keep benefits for a time.

"I don't think anybody is going to jump up and go to work because we're going to give them a small Earned Income Tax Credit at the state level," Hall said. "They're not jumping to go to work because they get it at the

federal level."

Both Hall and Nelson said raising the "zero level," the highest income that pays no income tax could have a bigger impact on state residents.

Ted Boettner, executive director of the West Virginia Center on Budget and Policy, said the EITC is critical to any tax reform in the state.

"It encourages work, moves families from welfare to work, increases labor force participation — especially among single mothers — and it lowers poverty rates," Boettner said. An EITC is conservative policy. It is anti-welfare.

Boettner pointed out that it improves physical and mental health without adding to the health budget and is easy to administer.

"It also creates jobs because almost all of it goes back into the local economy, spurring private businesses to create more jobs," he said.

The committee meets again Aug. 31. The topics will be sales and tax and streamlining.

Pamela Pritt is a reporter for the *Beckley Register-Herald*, a sister paper of the *Times West Virginian*.

BOE

CONTINUED FROM PAGE 1A

"We have a lot of different support mechanisms to help students be successful in their quest to graduate from high school," Price said. "This will be the opportunity for students to have someone intervene if they are not working well toward graduation and not attending (school) regularly."

Through the Truancy Diversion Initiative, one probation officer would travel to different schools throughout Marion County.

"They will be taking referrals from the schools, and then they will provide truancy diversion types of programs," Hlusko said. "It will be a like an informal type of a probation where they will have to abide by a certain set of rules."

Hlusko said the goal is to help students get back on track and provide them with a truancy diversion, which will keep them from getting involved fully in the juvenile court system.

"I think it is going to be a tremendous help," Hlusko said. "There are a lot of students who we just can provide enough services to. That is one of the reasons Senate Bill 393 came about."

Hlusko said the officer will be

an employee of the courts. The job for the probation officer will be posted through the Supreme Court.

Price said he also believes this initiative will benefit students in Marion County.

"I think it will help because this person will be able to directly impact some students who we have been unable to reach as far as getting them to understand the importance and necessity of attending school on a regular basis," Price said.

Hlusko said this initiative will be a year-to-year program. He said the officer will be employed for the 2015-16 school year and then officials will review the program at the end of the school year.

He said he hopes this probation officer will work with Marion County schools for years to come. Hlusko said the probation officer will mainly work in the high school and middle school levels.

In other business:
 • The next Marion County BOE meeting will be held at 6 p.m. on Tuesday, Sept. 8, at the central office.

Email Angelee Wiley at awiley@timeswv.com or follow her on Twitter @AWileyTWV.

Huskies rally to 26-23 victory over Bees

— Page 1B

TIMES WEST VIRGINIAN



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Activate Today!

Motion asks Blankenship jury selection be more open

FROM THE ASSOCIATED PRESS

CHARLESTON — The second day of jury selection wrapped up around 5 p.m. Friday in the criminal case against former Massey Energy CEO Don Blankenship.

Sixteen jurors were dismissed Friday. In a filing Friday afternoon, Blankenship's attorneys objected to a motion by *The Charleston Gazette-Mail* and West Virginia Public Broadcasting Inc. to open up the jury selection process.

Currently, U.S. District Judge Irene Berger is questioning all prospective jurors with her microphone off. The public listening to a live broadcast in another room can't hear questions and responses.

Blankenship's attorney wrote that the current method is necessary to preserve his right to a fair trial and potential jurors' right to privacy.

Prosecutors did not immediately respond to the motion.

Prospective jurors return Monday at 9 a.m.

The judge in the case against Blankenship said she would require exhibits used in the trial to be available for the media the next day.

In a transcript of Thursday's court session, Berger said she will require prosecutors and defense attorneys to make exhibits publicly available for the media by 9 a.m. the day after they were presented in court. She said it follows a 4th U.S. Circuit Court of Appeals ruling.

A transcript of jury selection proceedings shows how some prospective jurors answered questions about Blankenship.

In the transcript of Thursday's court session, one person who called Blankenship a "scapegoat" was excused. Another was dismissed after saying nothing she read painted Blankenship in a good light.

A possible juror who wasn't dismissed Thursday said she recalled nothing about the Upper Big Branch Mine, where an explosion killed 29 men in 2010. Another person who wasn't dismissed said she remembered hearing about an explosion or something, but didn't know who Blankenship was.

SEE **JURY**, PAGE 10A



UMW International President Cecil Roberts (center) speaks during a rally Friday in Morgantown.

UMW rally sends message about pensions, health care

BY EMILY GALLAGHER
TIMES WEST VIRGINIAN

MORGANTOWN — As John Harden held up a sign that read "Keep the Promise" in one hand, he held a copy of the U.S. Constitution in the other.

Harden was just one of the 1,500 United Mine Workers of America (UMW) members present for a rally in Morgantown Friday in hopes of drawing attention to pensions and health care.

During the rally, which was held at the Morgantown Event Center, Harden said he thought about his future as well as his family's future. As a retired coal miner from Logan, he said he has issues with his lungs.

"My lungs are so shot that I might need a lung transplant," Harden said. "This is a life-or-death situation for me."

As the rally, led by Cecil Roberts, the international president of the UMW, went on, Harden said he realized just how serious his situation was. But he also thought about his brother.

"He's in the hospital in Logan," Harden said. "But it's more important to stand up for his health care, my health care and the health care of these people."

When it came to the rally, Roberts said it's to push the passage of legislation to help people like Harden. The rally was set to support The Coal Healthcare and Pensions Act of 2015 (H.R. 2403).

"Any time you can get a great crowd like this, it sends a message to the politicians," Roberts said.

Politicians supporting the bill were also in attendance at the rally.

SEE **RALLY**, PAGE 10A

'Life-or-death situation'

For video footage and a slideshow of photos from Friday's rally, log on to timeswv.com.



PHOTO BY EMILY GALLAGHER

Retired coal miner and United Mine Workers of America (UMW) member John Harden holds a copy of the U.S. Constitution in his left hand while attending the UMW rally in Morgantown Friday to draw attention to health care and pensions for miners.

Laid-off West Virginia miners in 'survivor mode'

BY EMILY GALLAGHER
TIMES WEST VIRGINIAN

MORGANTOWN — Several laid-off and working coal miners voiced their concerns Friday to two U.S. congressmen.

U.S. Rep. David McKinley, R-W.Va., and U.S. Rep. Peter Welch, D-Vt., talked with about 10 individuals who said they had been laid off from a coal mine at some point in their career. Some of the people said they were recently laid off and are now unemployed.

McKinley and Welch asked those in attendance what their concerns were. Some of the concerns included training, having out-of-state workers, regulations being pushed too hard and insurance.

One miner suggested that money should be budgeted to supply better equipment for the mines.

Of the concerns, Steve Shoyer from Marion County told the congressmen he had problems with regulations on coal mines.

SEE **MINERS**, PAGE 10A



PHOTO BY EMILY GALLAGHER

U.S. Rep. David McKinley (left), R-W.Va., shakes hands with Marion County resident Steve Shoyer (right) during a roundtable discussion Friday in Morgantown.

High-tech firm alleges disgruntled former employee accessed files

BY EMILY GALLAGHER
TIMES WEST VIRGINIAN

FAIRMONT — A high-technology company in Fairmont alleges that a disgruntled former employee accessed confidential computer files when he was no longer employed there, according to a criminal complaint filed in Marion County.

Stephen Ray Cook, 30, was taken into custody Friday after a warrant for his arrest was issued last week. According to the Marion County

Magistrate Court, Cook is being charged with 48 counts of computer invasion of privacy, a misdemeanor.

Cpl. K.H. Totten III, with the West Virginia State Police, wrote in the criminal complaint that a representative of Healthcare Management Solutions LLC filed a complaint with the National White Collar Crime Center involving a former employee. Totten wrote that he initiated an investigation into the complaint after it was forwarded to him.

The company alleges that a former

employee, identified as Cook, "wrongfully and maliciously" accessed its confidential computer systems on multiple occasions in early 2015 after he left his employment at the company. The complaint states that anyone who is not a current and authorized employee of the company has no right to access its computer network and system.

Cook is being accused of using his Dominion Resources computer to access Healthcare Management Solutions' systems, network, email

accounts, human resources records, calendars, password lists and software keys along with other programs and documents.

Totten wrote in the complaint that during an interview with Cook, he reluctantly admitted to accessing Healthcare Management Solutions' computer system and network while an employee of Dominion Resources.

The complaint states Cook told Totten that he logged into Healthcare

SEE **HIGH-TECH**, PAGE 10A

| FRIDAY NIGHT SCOREBOARD | |
|-------------------------|----|
| NORTH MARION | 26 |
| EAST FAIRMONT | 23 |
| BRIDGEPORT | 71 |
| ELKINS | 29 |
| LEWIS COUNTY | 40 |
| BUCKHANNON-UPSHUR | 15 |
| NOTRE DAME | 41 |
| GRAFTON | 40 |
| LIBERTY | 24 |
| BRAXTON COUNTY | 21 |
| HEDGESVILLE | 19 |
| PRESTON | 7 |
| PETERSBURG | 32 |
| PHILIP BARBOUR | 7 |
| MORGANTOWN | 29 |
| MUSSELMAN | 21 |
| SOUTH HARRISON | 48 |
| CALHOUN COUNTY | 13 |

Complete scoreboard on Page 3B

TIMES WEST VIRGINIAN
Fairmont, W. Va.
Vol. 115, No. 276



DEATHS

Charles Albertson
Robert Moore
Carol Stewart
Anna Sweeney

— Page 4A

FAITH JOURNEYS



Calling a reality

Wayne Efav has always felt that he was needed to spread God's word. "I used to go to a church in Seven Pines years ago when I was a child," he said. "As a young child, I got that calling that I need to preach." — Page 10B

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| Advice.....7A | Sports.....1-3B |
| Arrests.....4A | Stocks.....8A |
| Classifieds.....4-6B | Weather.....10A |
| Comics.....6A | |
| Faith Journeys.....7-10B | |
| Good Morning.....3A | |
| Marion Pride.....5A | |
| Puzzles.....3A | |

Get social with us!



AccuWeather.com Marion County Five-Day Forecast

| Today | Tonight | Sunday | Monday | Tuesday | Wednesday |
|------------------------|------------------------|---------------------------------------|---------------------------------------|---------------------------------------|---------------------------------------|
| | | | | | |
| 62° RFT: 55° | 55° RFT: 53° | 68° 50° RFT: 66°/53° | 70° 49° RFT: 72°/51° | 72° 48° RFT: 74°/50° | 72° 49° RFT: 76°/51° |

The patented AccuWeather.com RealFeel Temperature® (RFT) is an exclusive index of the effects of temperature, wind, humidity, sunshine intensity, cloudiness, precipitation, pressure and elevation on the human body. Shown is the highest and lowest value for the day.

Almanac

Through 5 p.m. yesterday
Temperature:
 High 57°
 Low 52°
Precipitation:
 24 hours to 5 p.m. yest. ... 0.01"

UV Index Today

8 a.m. 0
 Noon 1
 4 p.m. 1
 0-2, Low; 3-5, Moderate; 6-7, High; 8-10, Very High; 11+, Extreme

The higher the AccuWeather.com UV Index™ number, the greater the need for eye and skin protection.

Arthritis Index Today

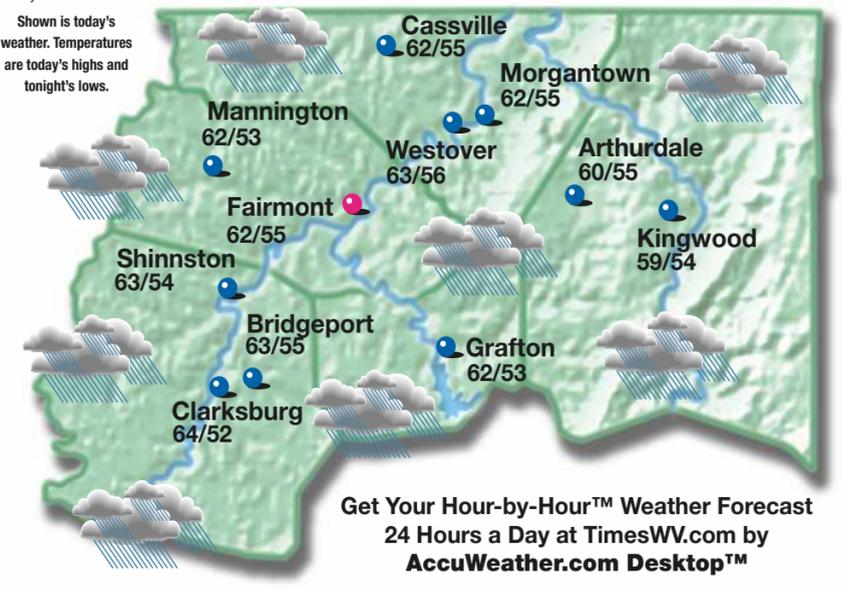
The Arthritis Index shows how today's weather conditions affect arthritis sufferers.

Moderate

Sun and Moon

Sunrise today 7:18 a.m.
 Sunset tonight 7:01 p.m.
 Moonrise today 11:36 p.m.
 Moonset today 1:17 p.m.

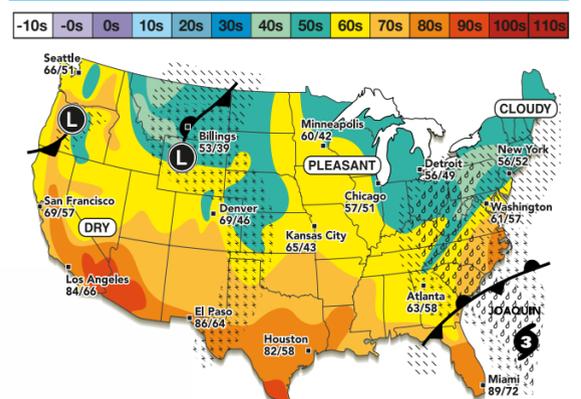
Moon Phases



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 9852 Mall Loop Whitehall, WV 304-366-7442 HOURS: MON-FRI 8-6 • SAT 8-4

National Weather



Legend for weather symbols:
 Cold front, Warm front, Stationary front, Showers, T-storms, Rain, Flurries, Snow, Ice

Shown are noon positions of weather systems and precipitation. Temperature bands are high for the day.

The Region

| City | Today | Tom. |
|---------------|---------|---------|
| Beckley | 61 57 r | 67 54 c |
| Bluefield | 61 58 r | 66 55 r |
| Buckhannon | 63 55 r | 68 50 c |
| Canaan Valley | 52 48 r | 55 46 r |
| Charleston | 65 56 r | 75 55 c |
| Clarksburg | 64 52 r | 70 51 c |
| Cumberland | 53 51 r | 60 50 c |
| Elkins | 61 50 r | 64 50 c |
| Grafton | 62 53 r | 67 49 c |
| Huntington | 58 54 r | 75 57 c |
| Kingwood | 59 54 r | 65 51 c |
| Logan | 65 59 r | 75 56 c |
| Martinsburg | 54 50 r | 62 49 r |
| Parkersburg | 60 53 r | 73 52 c |
| Pittsburgh | 57 52 r | 69 52 c |
| Snowshoe | 58 52 r | 61 46 c |
| Weirton | 56 53 r | 69 52 c |
| Weston | 66 51 r | 70 49 c |
| Westover | 63 56 r | 70 51 c |
| Wheeling | 56 53 r | 68 52 c |

The Nation

| City | Today | Tom. |
|----------------|----------|----------|
| Anchorage | 48 40 r | 48 37 pc |
| Atlanta | 63 58 r | 72 61 r |
| Baltimore | 60 55 r | 65 52 r |
| Boston | 53 50 r | 57 49 r |
| Charleston, SC | 77 68 r | 79 63 sh |
| Charlotte | 65 63 r | 69 58 r |
| Chicago | 57 51 c | 61 56 sh |
| Cleveland | 52 49 r | 67 53 c |
| Columbus | 56 52 r | 72 56 c |
| Dallas | 79 57 pc | 82 59 pc |
| Denver | 69 46 c | 67 46 pc |
| Myrtle Beach | 82 71 r | 76 64 r |
| Las Vegas | 88 68 s | 84 63 pc |
| Los Angeles | 84 66 s | 73 61 r |
| New York City | 56 52 r | 64 52 c |
| Orlando | 84 66 pc | 83 68 pc |
| Philadelphia | 59 54 r | 65 52 c |
| Phoenix | 95 70 s | 94 68 s |
| St. Louis | 66 53 pc | 70 58 pc |
| Wash., DC | 61 57 r | 66 54 r |

W-weather, s-sunny, pc-partly cloudy, c-cloudy, sh-showers, t-thunderstorms, r-rain, sf-snow flurries, sn-snow, i-ice.
 Forecasts and graphics provided by AccuWeather, Inc. ©2015

Joaquin batters Bahamas; fate of cargo ship uncertain

BY BEN FOX
 ASSOCIATED PRESS

ELEUTHERA, Bahamas — Hurricane Joaquin destroyed houses, uprooted trees and unleashed heavy flooding as it hurled torrents of rain across the Bahamas on Friday, and the U.S. Coast Guard said it was trying to reach a disabled cargo ship with 33 people aboard that lost contact during the storm.

The Coast Guard said the 735-foot (224-meter) ship named El Faro had taken on water and was listing at 15 degrees near Crooked Island, one of the islands most battered by the hurricane. Officials said the crew includes 28 U. S. citizens and five from Poland.

"This vessel is disabled basically right near the eye of Hurricane Joaquin," said Capt. Mark Fedor. "We're going to go and try and save lives. We're going to push it to the operational limits as far as we can."

Officials said they hadn't been able to re-establish communication with the vessel, which was traveling from Jacksonville,

Florida, to San Juan, Puerto Rico. The Coast Guard said the crew earlier reported it had been able to contain the flooding.

Fedor said there were 20- to 30-foot (up to 9-meter) waves in the area, and that heavy winds could have destroyed the ship's communications equipment. The ship went missing when Joaquin was a Category 4 storm. The hurricane has since lost strength and become a Category 3 storm.

On Friday evening, Coast Guard Petty Officer Jon-Paul Rios said the planes and helicopters involved in the search had returned to base because of darkness and would resume the search for the ship at first light.

Florida-based TOTE Services, the ship's owner, said in a brief statement that it was working with the U.S. Coast Guard and trying to establish communication with the ship.

The U.S. National Hurricane Center said Joaquin's threat to the U.S. East Coast was fading as new forecasts showed it likely to curve out into the Atlantic while moving north and weak-

ening in coming days.

But the slow-moving storm continued to batter parts of the Bahamas, cutting communication to several islands, most of them lightly populated. There had been no reports of fatalities or injuries, said Capt. Stephen Russell, the director of the Bahamas National Emergency Management Agency.

Officials were investigating reports of shelters being damaged and flooded, as well as two boats with a total of five people that remained missing.

About 85 percent of homes in one settlement of a couple dozen houses on Crooked Island were destroyed, said Marvin Hanna, an Acklins representative. He said he has had no communication with Acklins since late Thursday morning.

"At that time, vehicles were floating around and the water level was up to the windows of some homes," he said.

Residents reached by relatives said they were "trapped in their homes, and reported feeling as if their structures were caving in," Russell said. "It's too dangerous

to go outside because the flood waters are so high, so we ask that persons stay inside and try to go into the most secure place of their home."

Power also was knocked out to several islands, and Leslie Miller, executive chairman of the Bahamas Electricity Corporation, said the company "is in no position to do much" to restore electricity. "All the airports are flooded," he said.

Schools, businesses and government offices were closed as the slow-moving storm roared through the island chain.

Streets were largely deserted as people remained hunkered down on the island of Eleuthera, which was bracing for heavy winds later Friday. Some people were still making last-minute preparations, including Alexander Johnson, 61, who was moving his fishing boat with his brother, Solomon.

"It looks like it's going to make a turn to the north, so we won't get it in full," Johnson said. "That's good for us, because we've seen some rough ones come through here."

Security guard Patrick Bethel said he was thankful there had been no reported casualties and wasn't too worried about what the day would bring: "We just have to see what God will do. God controls the storm."

Joaquin had maximum sustained winds of 125 mph (205 kph), according to the Miami-based hurricane center. By late Friday night, the storm was centered about 60 miles (95 kilometers) north-northeast of San Salvador, Bahamas and was moving northeast near 10 mph (17 kph).

The storm was expected to continue north away from the Bahamas, with some weakening expected on Saturday as it follows a projected path farther from the U.S. East Coast than originally predicted.

Rick Knabb, director of the hurricane center, said Joaquin is expected to pass well offshore from the eastern seaboard.

"We no longer have any models forecasting the hurricane to come into the East Coast," he said. "But we are still going to have some bad weather."

Rally

CONTINUED FROM PAGE 1A

U.S. Sen. Joe Manchin, D-W.Va., U.S. Rep. Evan Jenkins, R-W.Va., and U.S. Rep. David McKinley, R-W.Va., spoke at the rally and promised their support of legislation that would amend the Surface Mining Control and Reclamation Act of 1977. The

amendment would affect retired miners' benefits. McKinley brought U.S. Rep. Peter Welch, D-Vt., with him to the rally.

Manchin said he attended the rally because he believes Americans think they can live without coal mines, and those

people don't realize the significance coal has on the nation.

"Try it," he said. "Tell me what it looks like and tell me what it does for your family, job and life."

Manchin said he stands beside the UMW members fighting for health care.

"In West Virginia, there's not one person that doesn't know someone affected by the devastation of black lung," he said. "Shouldn't we do something about it?"

Roberts said the Morgantown rally was the first of several the UMW has planned across the

nation in hopes of drawing attention to these issues. He said the next stop is Western Kentucky, followed by visits to Indiana, Illinois and Alabama.

Email Emily Gallagher at egallagher@timeswv.com or follow her on Twitter @EGallagherTWV.

Miners

CONTINUED FROM PAGE 1A

"It just blows my mind," Shoyer said. "The EPA is just killing us."

Another concern came from Megan Bishop, who has been laid off. Her concern is that coal mines in West Virginia are not hiring in-state workers. She said because of that, West Virginia residents laid off from the mines

are now in "survivor mode." "The mines are over-flooded with out-of-state workers," Bishop said. "No one can work locally anymore."

Welch told those in attendance that although Vermont doesn't have coal mines, it obviously has electricity.

"You guys kept our lights

on," he told them.

Welch said it's easy for politicians and residents who are not in "coal country" to not understand the significance the industry has on the rest of the country.

"We have people who are blind to the reality of the contributions you've made to the

community we even come from," Welch told those at the table.

McKinley said it's important to sit down with those on the front lines of the industry because they are the ones who are affected. He said he will take back the concerns of those who spoke up and pass it along

to others in Washington along with fighting to fix those concerns.

"There's no quick fix, but I'm now pointed in the right direction," McKinley said.

Email Emily Gallagher at egallagher@timeswv.com or follow her on Twitter @EGallagherTWV.

High-tech

CONTINUED FROM PAGE 1A

Management Solutions' systems after being given a former co-worker's login information. Totten wrote in the complaint that three employees of Healthcare Management Solutions verified that is not true.

According to the complaint, Cook did not like working for Healthcare Management Solutions because of work conflicts and "people flicking him with rubber bands."

Totten wrote in the complaint that he consulted with Marion County Assistant Prosecuting

Attorney Katica Ribel, who advised Cook should be charged with 48 separate charges of computer invasion of privacy.

According to the complaint, starting Jan. 15, Cook accessed Healthcare Management Solutions' computer system and networks from his Dominion Resources computer on 20 dates for a total of 48 times. The complaint states the last time Cook accessed the system and network was on Feb. 16.

Cook's bond was set at \$100 for each charge, totaling \$4,800. According to West Virginia

Code, one count of computer invasion of privacy is punishable with a fine up to \$500 or six months in jail, or both a fine and jail.

• A Pierpont Community & Technical College student was arrested after she allegedly stole merchandise from a bookstore on campus and later returned the items for cash.

Mya Kristina Hawkins, 21, was arrested Thursday by officers with the Fairmont State Police Department and is being charged with embezzlement.

According to the criminal

complaint, Hawkins was an employee of the Follett Bookstore located on the shared campus of Fairmont State University and Pierpont between July 29 and Oct. 1.

Ann Mazza, the vice president of university communication at Fairmont State, confirmed that Hawkins was a Pierpont student. Mazza said Follett owns the bookstore on campus and employs its own staff.

According to the complaint, during her time employed at the bookstore, Hawkins removed merchandise from the store by

concealing it in a backpack.

Hawkins would then come back to the store at a later date and return the items she stole for cash, the complaint states.

According to the complaint, the total cost of the items involved in the transactions was \$1,206.90.

Hawkins was arraigned at the Marion County Magistrate Court Thursday, and had her bond set at \$5,000.

Email Emily Gallagher at egallagher@timeswv.com or follow her on Twitter @EGallagherTWV.

Pennsylvania

HARRISBURG — Here are the Pennsylvania Lottery night selections for Friday:

- Pick 2: 9-1
- Pick 3: 3-6-6
- Pick 4: 5-5-5-2
- Pick 5: 4-5-7-7-4
- Treasure Hunt: 02-04-07-11-27
- Cash 5: 18-21-30-31-36

West Virginia

CHARLESTON (AP) — These West Virginia lotteries were drawn Friday:

- Cash 25: 03-06-09-14-18-23
- Daily 3: 3-4-5
- Daily 4: 1-2-6-1

Hot Lotto

DES MOINES, Iowa (AP) — The winning numbers in Wednesday evening's drawing of the "Hot Lotto" game were: 01-06-15-22-44. Hot Ball: 14

Powerball

ORLANDO, Fla. (AP) — The winning numbers in Wednesday evening's drawing of the "Powerball" game were: 21-39-40-55-59. Powerball: 17. Power Play: 3.

Mega Millions

ATLANTA (AP) — The winning numbers in Friday evening's drawing of the "Mega Millions" game were: 04-14-29-31-47. Mega Ball: 9. Megaplier: 2.

Jury

CONTINUED FROM PAGE 1A

Previously, Berger told the court reporter not to release the transcript. It was viewable at a courthouse public terminal Friday before access was restricted.

The public, including reporters, watched the proceedings from a live closed-circuit television feed from another room.

At one point, Blankenship could be seen listening in at the judge's bench when Berger was talking to a prospective juror.

According to a filing in federal court, 88 potential jurors were brought in Thursday. Of those, 42 were excused.

Blankenship smiled but didn't answer when a reporter talked to him upon arriving Friday outside U.S. District Court in Charleston. One of Blankenship's attorneys said he wasn't taking questions.

The 65-year-old Blankenship is charged with conspiring to break safety laws and lying to financial regulators about safety practices at the Upper Big Branch Mine.

Blankenship faces up to three decades in prison if convicted over how he ran the mine, which exploded in 2010, killing 29 miners.