

**EXECUTIVE SUMMARY**  
**OCCUPATIONAL SAFETY AND HEALTH**  
**APPEALS BOARD**

**Summary of Hussman Corporation**

The Board held there was substantial evidence in the record showing that the employee had not been appropriately trained for the work assigned, in violation of section 3203, the injury and illness prevention plan requirement. There was also substantial evidence in the record upon which to determine that the employee had not exceeded the scope of his assignment, in part because the assignment was vague and ambiguous. The Board also held that the employer had not proved all five elements of the “independent employee action defense” and therefore the defense did not apply.

Hussman Corporation, 03-2939

January 21, 2011

**3203(a)(7)**