

**THE STATE EX REL. LIBECAP, APPELLEE, v. INDUSTRIAL COMMISSION OF OHIO
ET AL., APPELLANTS.**

[Cite as *State ex rel. Libecap v. Indus. Comm.*, 1998-Ohio-120.]

Workers' compensation—Court of appeals' judgment affirmed.

(No. 96-2352—Submitted July 8, 1998—Decided September 23, 1998.)

APPEAL from the Court of Appeals for Franklin County, No. 96APD01-29.

Hochman & Roach Co., L.P.A., and Gary D. Plunkett, for appellee.

*Betty D. Montgomery, Attorney General, and Steven P. Fixler, Assistant
Attorney General, for appellants.*

{¶ 1} The judgment of the court of appeals is affirmed consistent with the
opinion of the court of appeals.

DOUGLAS, RESNICK, F.E. SWEENEY and PFEIFER, JJ., concur.

MOYER, C.J., dissents.

COOK and LUNDBERG STRATTON, JJ., dissent.

LUNDBERG STRATTON, J., dissenting.

{¶ 2} I would reverse the judgment of the court of appeals.

COOK, J., concurs in the foregoing dissenting opinion.
