

**THE STATE EX REL. ARAPS, APPELLANT, v. INDUSTRIAL COMMISSION OF OHIO,
APPELLEE.**

[Cite as *State ex rel. Araps v. Indus. Comm.*, 1998-Ohio-132.]

Workers' compensation—Court of appeals' judgment affirmed.

(No. 97-829—Submitted July 15, 1998—Decided September 16, 1998.)

APPEAL from the Court of Appeals for Franklin County, No. 96APD05-697.

Shapiro, Kendis & Associates Co., L.P.A., and Rachel B. Jaffy, for appellant.

Betty D. Montgomery, Attorney General, and *Cecille Caluya Harris*, Assistant Attorney General, for appellee.

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

MOYER, C.J., PFEIFER, COOK and LUNDBERG STRATTON, JJ., concur.

DOUGLAS and RESNICK, JJ., dissent.

F.E. SWEENEY, J., dissents.

ALICE ROBIE RESNICK, J., dissenting.

{¶ 2} I would reverse the judgment of the court of appeals and order relief consistent with *State ex rel. Gay v. Mihm* (1994), 68 Ohio St.3d 315, 626 N.E.2d 666.

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