

**THE STATE EX REL. BEAL, APPELLANT, v. INDUSTRIAL COMMISSION OF OHIO
ET AL., APPELLEES.**

[Cite as *State ex rel. Beal v. Indus. Comm.*, 1998-Ohio-141.]

Workers' compensation—Court of appeals' judgment affirmed.

(No. 97-75—Submitted July 15, 1998—Decided September 16, 1998.)

APPEAL from the Court of Appeals for Franklin County, No. 95APD10-1267.

Gloria P. Castrodale, for appellant.

Betty D. Montgomery, Attorney General, and *William J. McDonald*,
Assistant Attorney General, for appellee Industrial Commission.

Hanlon, Duff, Paleudis & Estadt Co., L.P.A., and *John G. Paleudis*, for
appellee Consolidation Coal Co.

{¶ 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.
