

**THE STATE EX REL. GERACI, APPELLANT, v. NEUBERT, ADMR.; INDUSTRIAL
COMMISSION OF OHIO, APPELLEE.**

[Cite as *State ex rel. Geraci v. Neubert*, 1998-Ohio-155.]

Workers' compensation—Court of appeals' judgment affirmed.

(No. 96-2360—Submitted July 8, 1998—Decided September 16, 1998.)

APPEAL from the Court of Appeals for Franklin County, No. 95APD10-1307.

Geraci & LaPerna Co., L.P.A., and Rudolph J. Geraci, for appellant.

Betty D. Montgomery, Attorney General, and *Steve P. Dlott*, 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, RESNICK and F.E. SWEENEY, JJ., dissent.

Alice Robie Resnick, J., dissenting.

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

DOUGLAS and F.E. SWEENEY, JJ., concur in the foregoing dissenting
opinion.
