

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

[Cite as *State ex rel. Swiger v. Indus. Comm.*, 1998-Ohio-211.]

Workers' compensation—Court of appeals' judgment affirmed.

(No. 96-580—Submitted June 24, 1998—Decided August 5, 1998.)

APPEAL from the Court of Appeals for Franklin County, No. 95APD02-172.

Tablack, Wellman, Jeren, Hackett & Skoufatos Co., L.P.A., and Michael A. Tiberio, for appellee.

Betty D. Montgomery, Attorney General, and *Constance A. Snyder*, Assistant Attorney General, for appellant.

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

MOYER, C.J., DOUGLAS, RESNICK, F.E. SWEENEY and PFEIFER, JJ., concur.

COOK and LUNDBERG STRATTON, JJ., dissent and would reverse the judgment of the court of appeals.
