

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

[Cite as *State ex rel. Ernst v. Indus. Comm.*, 1998-Ohio-225.]

Workers' compensation—Court of appeals' judgment affirmed.

(No. 96-46—Submitted May 27, 1998—Decided July 29, 1998.)

APPEAL from the Court of Appeals for Franklin County, No. 95APD01-3.

Clements, Mahin & Cohen, Edward Cohen and Catharin R. Taylor, for appellant.

Betty D. Montgomery, Attorney General, and *Jeffrey D. Snyder*, 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.

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