

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

[Cite as *State ex rel. Pearson v. Indus. Comm.*, 1998-Ohio-258.]

Workers' compensation—Court of appeals' judgment affirmed.

(No. 95-2140—Submitted May 12, 1998—Decided June 17, 1998.)

APPEAL from the Court of Appeals for Franklin County, No. 94APD08-1240.

Kondritzer, Gold, Frank & Crowley Co., L.P.A., and *Lane N. Cohen*, for appellant.

Betty D. Montgomery, Attorney General, and *William D. Haders*, Assistant Attorney General, for appellees.

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

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, by ordering the Industrial Commission to allow compensation for permanent total disability.

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