

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

[Cite as *State ex rel. Bailey v. Indus. Comm.*, 1998-Ohio-390.]

*Workers' compensation—Court of appeals' judgment affirmed.*

(No. 96-413—Submitted June 9, 1998—Decided July 22, 1998.)

APPEAL from the Court of Appeals for Franklin County, No. 94APD12-1725.

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*Stewart Jaffy & Associates Co., L.P.A., Stewart R. Jaffy and Marc J. Jaffy,*  
for appellant.

*Betty D. Montgomery, Attorney General, and James A. Barnes, Assistant  
Attorney General,* for appellee.

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

MOYER, C.J., DOUGLAS, PFEIFER, COOK and LUNDBERG STRATTON, JJ.,  
concur.

RESNICK and F.E. SWEENEY, JJ., dissent.

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