

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

[Cite as *State ex rel. Yarger v. Indus. Comm.*, 1998-Ohio-40.]

Workers' compensation—Court of appeals' judgment affirmed.

(No. 97-2701—Submitted August 19, 1998—Decided October 21, 1998.)

APPEAL from the Court of Appeals for Franklin County, No. 97APD01-33.

Philip J. Fulton & Associates and *William A. Thorman III*, for appellant.

Betty D. Montgomery, Attorney General, and *Dennis L. Hufstader*,
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., RESNICK, F.E. SWEENEY, COOK and LUNDBERG STRATTON,
JJ., concur.

DOUGLAS, J., dissents.

PFEIFER, J., dissents and would reverse the judgment of the court of appeals.
