

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

[Cite as *State ex rel. Rucker v. Indus. Comm.*, 1998-Ohio-567.]

Workers' compensation—Court of appeals' judgment affirmed.

(No. 97-1582—Submitted August 19, 1998—Decided October 14, 1998.)

APPEAL from the Court of Appeals for Franklin County, No. 96APD03-344.

Law Office of Thomas Tootle and Thomas Tootle, for appellant.

Betty D. Montgomery, Attorney General, and *William D. Haders*, Assistant
Attorney General, for appellee Industrial Commission.

Hanlon, Duff, Paleudis & Estadt Co., L.P.A., and *Gerald P. Duff*, for
appellee Consolidation Coal Co.

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