

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

**[Cite as *State ex rel. Wanzer v. Indus. Comm.*, 1998-Ohio-57.]**

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

(No. 97-2232—Submitted August 19, 1998—Decided October 14, 1998.)

APPEAL from the Court of Appeals for Franklin County, No. 96APD12-1777.

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*Shapiro, Kendis & Associates Co., L.P.A.*, and *Rachel B. Jaffy*, for  
appellant.

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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., PFEIFER, COOK and LUNDBERG STRATTON, JJ., concur.

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

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**ALICE ROBIE RESNICK, J., dissenting.**

{¶ 2} I would reverse the judgment of the court of appeals and return the  
cause to the Industrial Commission pursuant to *State ex rel. Noll v. Indus. Comm.*  
(1991), 57 Ohio St.3d 203, 567 N.E.2d 245.

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

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