

**THE STATE EX REL. KOEHLER, APPELLANT, v. CONRAD, ADMR., ET AL.,
APPELLEES.**

[Cite as *State ex rel. Koehler v. Conrad*, 1998-Ohio-58.]

Workers' compensation—Court of appeals' judgment affirmed.

(No. 97-2021—Submitted August 19, 1998—Decided October 14, 1998.)

APPEAL from the Court of Appeals for Franklin County, No. 96APD12-1719.

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

Betty D. Montgomery, Attorney General, and *Steven P. Fixler*, Assistant Attorney General, for appellees.

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

MOYER, C.J., F.E. SWEENEY, COOK and LUNDBERG STRATTON, JJ., concur.

DOUGLAS and RESNICK, JJ., dissent.

PFEIFER, J., dissents.

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, J., concurs in the foregoing dissenting opinion.
