

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

[Cite as *State ex rel. Humphrey v. Indus. Comm.*, 1998-Ohio-66.]

Workers' compensation—Court of appeals' judgment affirmed.

(No. 97-1531—Submitted August 19, 1998—Decided October 14, 1998.)

APPEAL from the Court of Appeals for Franklin County, No. 96APD09-1210.

Law Offices of Larry Hotchkiss and Scott A. Bravi, for appellant.

Betty D. Montgomery, Attorney General, and *Michael A. Vanderhorst*,
Assistant Attorney General, for appellee.

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

F.E. SWEENEY, PFEIFER, COOK and LUNDBERG STRATTON, JJ., concur.

MOYER, C.J., DOUGLAS and RESNICK, JJ., dissent.

ALICE ROBIE RESNICK, J., dissenting.

{¶ 2} I would reverse the judgment of the court of appeals and return the
cause to the Industrial Commission to consider the report of bureau vocational
specialist Rod Metcalf. The commission's order lists reports reviewed and
evaluated, but omits mention of the Metcalf report. I disagree with the court of
appeals' finding that the commission satisfied the requirement that it indicate
consideration of the Metcalf report because another vocational report makes several
references to it. It is the commission's duty to evaluate all the evidence, and it may
not delegate that responsibility. See *State ex rel. Hayes v. Indus. Comm.* (1997), 78

SUPREME COURT OF OHIO

Ohio St.3d 572, 577, 679 N.E.2d 295, 299; *State ex rel. Fultz v. Indus. Comm.* (1994), 69 Ohio St.3d 327, 631 N.E.2d 1057.

MOYER, C.J., and DOUGLAS, J., concur in the foregoing dissenting opinion.
