

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

**[Cite as *State ex rel. Nacarato v. Indus. Comm.*, 1999-Ohio-184.]**

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

(No. 98-2463—Submitted July 28, 1999—Decided September 22, 1999.)

APPEAL from the Court of Appeals for Franklin County, No. 97APD08-977.

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

*Betty D. Montgomery*, Attorney General, and *Jon D. Grandon*, Assistant  
Attorney General, for appellee.

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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.

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

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