

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

[Cite as *State ex rel. Donaldson v. Indus. Comm.*, 1999-Ohio-497.]

Workers' compensation—Court of appeals' judgment affirmed.

(No. 98-893—Submitted November 10, 1998—Decided January 20, 1999.)

APPEAL from the Court of Appeals for Franklin County, No. 97APD05-613.

Philip J. Fulton & Associates and *William A. Thorman III*, for appellant.

Betty D. Montgomery, Attorney General, and *Dennis H. Behm*, Assistant
Attorney General, for appellee.

{¶ 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, J., dissents and would order relief consistent with *State ex rel.*
Noll v. Indus. Comm. (1991), 57 Ohio St.3d 203, 567 N.E.2d 245.

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