

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

[Cite as *State ex rel. Schmidt v. Indus. Comm.*, 2000-Ohio-20.]

Workers' compensation—Court of appeals' judgment affirmed.

(No. 00-55—Submitted July 25, 2000—Decided September 20, 2000.)

APPEAL from the Court of Appeals for Franklin County, No. 98AP-1332.

Fell & Marcus Co., L.P.A., and *George N. Fell II*, for appellant.

Betty D. Montgomery, Attorney General, and *Dennis H. Behm*, Assistant
Attorney General, for appellee Industrial Commission of Ohio.

Bugbee & Conkle and *Richard L. Johnson*, for appellee Tecumseh Products
Company.

{¶ 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.

ALICE ROBIE RESNICK, J., dissenting.

{¶ 2} I would reverse the judgment of the court of appeals and order the
Industrial Commission to comply with *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.
