

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

**[Cite as *State ex rel. Tully v. Indus. Comm.*, 2000-Ohio-412.]**

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

(No. 99-1758—Submitted April 10, 2000—Decided May 24, 2000.)

APPEAL from the Court of Appeals for Franklin County, No. 98AP-1089.

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*Manley, Burke, Lipton & Cook, George F. Moeller and Robert A. Muehleisen*, for appellant.

*Betty D. Montgomery*, Attorney General, and *William D. Haders*, Assistant Attorney General, for appellees Industrial Commission of Ohio and Administrator, Bureau of Workers' Compensation.

*Stewart Jaffy & Associates Co., L.P.A., Stewart R. Jaffy and Marc Jaffy*, urging reversal for *amicus curiae*, Ohio Academy of Trial Lawyers.

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

DOUGLAS, J., dissents.

PFEIFER, J., dissents and would reverse the judgment of the court of appeals.

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