

**THE STATE EX REL. COBB, APPELLANT, v. R.O. WETZ TRANSPORTATION
COMPANY; INDUSTRIAL COMMISSION OF OHIO, APPELLEE.**

[Cite as *State ex rel. Cobb v. R.O. Wetz Transp. Co.*, 2000-Ohio-461.]

Workers' compensation—Court of appeals' judgment affirmed.

(No. 99-876 – Submitted November 16, 1999 – Decided January 12, 2000.)

APPEAL from the Court of Appeals for Franklin County, No. 98AP-103.

Lancione Law Offices and *David Lancione*, 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., F.E. SWEENEY, PFEIFER, COOK and LUNDBERG STRATTON, JJ.,
concur.

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 comply with *State ex rel. Noll v. Indus.
Comm.* (1991), 57 Ohio St.3d 203, 567 N.E.2d 245.

DOUGLAS, J., concurs in the foregoing dissenting opinion.
