

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

[Cite as *State ex rel. Davis v. Indus. Comm.*, 2000-Ohio-52.]

Workers' compensation—Court of appeals' judgment affirmed.

(No. 00-490—Submitted September 12, 2000—Decided October 25, 2000.)

APPEAL from the Court of Appeals for Franklin County, No. 99AP-173.

Stewart Jaffy & Associates Co., L.P.A., Stewart R. Jaffy and Marc J. Jaffy,
for appellant.

Betty D. Montgomery, Attorney General, and *Jeffrey B. Hartranft*, 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, RESNICK and F.E. SWEENEY, JJ., dissent.

ALICE ROBIE RESNICK, J., dissenting.

{¶ 2} I would reverse the judgment of the court of appeals and remand for
entry of relief pursuant to *State ex rel. Gay v. Mihm* (1994), 68 Ohio St.3d 315, 626
N.E.2d 666.

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