

**THE STATE EX REL. KMART CORPORATION, APPELLEE AND CROSS-
APPELLANT, v. INDUSTRIAL COMMISSION OF OHIO ET AL.; BEACHMAN,
APPELLANT AND CROSS-APPELLEE.**

[Cite as *State ex rel. Kmart Corp. v. Indus. Comm.*, 2000-Ohio-56.]

Workers' compensation—Court of appeals' judgment affirmed.

(No. 00-642—Submitted September 12, 2000—Decided October 25, 2000.)

APPEAL and CROSS-APPEAL from the Court of Appeals for Franklin County, No.
99AP-400.

Pickrel, Schaeffer & Ebeling, David C. Korte and Michelle D. Bach, for
appellee and cross-appellant.

Larrimer & Larrimer and David H. Swanson, Jr., for appellant and cross-
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.

DOUGLAS, J., dissenting.

{¶ 2} I respectfully dissent. I would reverse the judgment of the court of
appeals and reinstate the order of the Industrial Commission, which granted
compensation for permanent total disability.

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