

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

[Cite as *State ex rel. Cultice v. Indus. Comm.*, 2001-Ohio-118.]

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

(No. 00-2005—Submitted April 24, 2001—Decided June 6, 2001.)

APPEAL from the Court of Appeals for Franklin County, No. 99AP-1404.

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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., PFEIFER, COOK and LUNDBERG STRATTON, JJ., concur.

DOUGLAS, RESNICK and F.E. SWEENEY, JJ., dissent.

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**DOUGLAS, J., dissenting.**

{¶ 2} I respectfully dissent. I would reverse the judgment of the court of appeals and grant appellant relief in accordance with *State ex rel. Gay v. Mihm* (1994), 68 Ohio St.3d 315, 626 N.E.2d 666.

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

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*Law Offices of James R. Nein and Brian W. Harter*, for appellant.

*Betty D. Montgomery*, Attorney General, and *Kimberly M. Connett*, Assistant Attorney General, for appellee.

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