

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

[Cite as *State ex rel. Stewart v. Indus. Comm.*, 2001-Ohio-1280.]

Workers' compensation—Court of appeals' judgment affirmed.

(No. 00-2279—Submitted June 20, 2001—Decided August 15, 2001.)

APPEAL from the Court of Appeals for Franklin County, No. 99AP-1096.

{¶ 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.

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

Butkovich, Schimpf, Schimpf & Ginocchio Co., L.P.A., and James A. Whittaker, for appellant.

Betty D. Montgomery, Attorney General, and *Thomas L. Reitz*, Assistant Attorney General, for appellee.
