

**THE STATE EX REL. HOBART CORPORATION/PMI FOOD EQUIPMENT GROUP,
APPELLANT, v. INDUSTRIAL COMMISSION OF OHIO ET AL., APPELLEES.
[Cite as *State ex rel. Hobart Corp./PMI Food Equip. Group v. Indus. Comm.*,
2001-Ohio-1324.]**

Workers' compensation—Court of appeals' judgment affirmed.

(No. 01-256—Submitted July 17, 2001—Decided September 19, 2001.)

APPEAL from the Court of Appeals for Franklin County, No. 00AP-511.

{¶ 1} The judgment of the court of appeals is affirmed consistent with the opinion of the court of appeals.

MOYER, C.J., DOUGLAS, RESNICK, F.E. SWEENEY, PFEIFER and COOK, JJ.,
concur.

LUNDBERG STRATTON, J., dissents.

LUNDBERG STRATTON, J., dissenting.

{¶ 2} I dissent and would grant the requested writ of mandamus and return the matter to the Industrial Commission for reconsideration. Therefore, I would reverse the judgment of the court of appeals.

Baran, Piper, Tarkowsky, Fitzgerald & Theis Co., L.P.A., and John Tarkowsky,
for appellant.

Betty D. Montgomery, Attorney General, and *Jeffrey B. Hartranft*, Assistant
Attorney General, for appellee Industrial Commission.

Philip J. Fulton & Associates and *William A. Thorman III*, for appellee Douglas
E. Moerch.
