

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

[Cite as *State ex rel. Tenoever v. Indus. Comm.*, 2001-Ohio-135.]

Workers' compensation—Court of appeals' judgment affirmed.

(No. 00-1906—Submitted April 24, 2001—Decided June 13, 2001.)

APPEAL from the Court of Appeals for Franklin County, No. 99AP-1349.

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

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

RESNICK, J., .dissents.

ALICE ROBIE RESNICK, J., dissenting.

{¶ 2} I would reverse the judgment of the court of appeals.

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

Betty D. Montgomery, Attorney General, and *Dennis L. Hufstader*,
Assistant Attorney General, for appellee.
