

**THE STATE EX REL. LYNCH, APPELLEE, v. INDUSTRIAL COMMISSION OF OHIO
ET AL.; OHIO STATE UNIVERSITY, APPELLANT.**

[Cite as *State ex rel. Lynch v. Indus. Comm.*, 2001-Ohio-28.]

Workers' compensation—Court of appeals' judgment affirmed.

(No. 00-1396—Submitted February 27, 2001—Decided April 4, 2001.)

APPEAL from the Court of Appeals for Franklin County, No. 99AP-1110.

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

DOUGLAS, RESNICK, F.E. SWEENEY and PFEIFER, JJ., concur.

MOYER, C.J., COOK and LUNDBERG STRATTON, JJ., dissent.

COOK, J., dissenting.

{¶ 2} Based on the rationale set forth in the decision of the court of appeals' magistrate, I respectfully dissent.

MOYER, C.J., and LUNDBERG STRATTON, J., concur in the foregoing dissenting opinion.

Philip J. Fulton & Associates and Jonathan H. Goodman, for appellee.

Betty D. Montgomery, Attorney General; *Dinsmore & Shohl, L.L.P.*, and *Michael L. Squillace*, Special Counsel, for appellant.
