

**THE STATE EX REL. ASARCO, INC., APPELLEE AND CROSS-APPELLANT, v.  
INDUSTRIAL COMMISSION OF OHIO ET AL., APPELLANTS AND CROSS-  
APPELLEES.**

**[Cite as *State ex rel. Asarco, Inc. v. Indus. Comm.*, 2001-Ohio-68.]**

*Workers' compensation—Court of appeals' judgment reversed and Industrial  
Commission's order reinstated.*

(No. 00-1252—Submitted February 27, 2001—Decided April 25, 2001.)

APPEAL and CROSS-APPEAL from the Court of Appeals for Franklin County, No.  
99AP-1247.

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{¶ 1} The judgment of the court of appeals is reversed and the order of the  
Industrial Commission is reinstated.

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

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*Schottenstein, Zox & Dunn, CO., L.P.A.*, and *Patrick A. Devine*, for appellee  
and cross-appellant.

*Betty D. Montgomery*, Attorney General, and *Jacob Dobres*, Assistant  
Attorney General, for appellant and cross-appellee Industrial Commission of Ohio.

*Philip J. Fulton & Associates* and *William A. Thorman III*, for appellant and  
cross-appellee Kenneth A. Poland.

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