

**THE STATE EX REL. KMART CORPORATION, APPELLANT, v. INDUSTRIAL
COMMISSION OF OHIO ET AL., APPELLEES.**

[Cite as *State ex rel. Kmart Corp. v. Indus. Comm.*, 2002-Ohio-71.]

Workers' compensation—Court of appeals' judgment affirmed.

(No. 01-719—Submitted November 13, 2001—Decided January 9, 2002.)

APPEAL from the Court of Appeals for Franklin County, No. 00AP-804.

{¶ 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, COOK and LUNDBERG STRATTON, JJ., concur.

Pickrel, Schaeffer & Ebeling, David C. Korte and Michelle D. Bach, for appellant.

Betty D. Montgomery, Attorney General, and *Kimberly M. Connett*, Assistant Attorney General, for appellee Industrial Commission.

E.S. Gallon & Associates and *Richard M. Malone*, for appellee Virginia G. Frantom.
