

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

**[Cite as *State ex rel. Burns v. Indus. Comm.*, 98 Ohio St.3d 391, 2003-Ohio-  
1554.]**

*Workers' compensation — Court of appeals' judgment affirmed.*

(No. 2002-1226 — Submitted February 25, 2003 — Decided April 9, 2003.)

APPEAL from the Court of Appeals for Franklin County, No. 01AP-1035, 2002-  
Ohio-2804.

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

RESNICK, F.E. SWEENEY, PFEIFER and LUNDBERG STRATTON, JJ., concur.

MOYER, C.J., COOK and O'CONNOR, JJ., dissent.

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**MOYER, C.J., dissenting.**

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

COOK and O'CONNOR, JJ., concur in the foregoing dissenting opinion.

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Esther S. Weissman Co., L.P.A., and Esther S. Weissman, for appellee.

Jim Petro, Attorney General, and Keith Blosser, Assistant Attorney  
General, for appellant.

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