

**THE STATE EX REL. COACH, APPELLEE AND CROSS-APPELLANT, v. INDUSTRIAL
COMMISSION OF OHIO, APPELLANT AND CROSS-APPELLEE.**

**[Cite as *State ex rel. Coach v. Indus. Comm.*, 99 Ohio St.3d 547, 2003-Ohio-
4699.]**

Workers' compensation — Court of appeals' judgment affirmed.

(No. 2002-0631 — Submitted August 26, 2003 — Decided September 24, 2003.)

APPEAL and CROSS-APPEAL from the Court of Appeals for Franklin County, No.
01AP-615.

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

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

RESNICK, J., concurs in part and dissents in part.

O'CONNOR, J., dissents and would reverse the judgment of the court of
appeals.

O'DONNELL, J., not participating.

ALICE ROBIE RESNICK, J., concurring in part and dissenting in part.

{¶2} I agree that the Industrial Commission's order denying permanent
total disability should be vacated and that this matter should be returned to the
commission to issue a new order. However, I would further grant relief pursuant
to *State ex rel. Gay v. Mihm* (1994), 68 Ohio St.3d 315, 626 N.E.2d 666.

Butkovich, Schimpf, Schimpf & Ginocchio Co., L.P.A., and Stephen P.
Gast, for appellee and cross-appellant.

SUPREME COURT OF OHIO

Jim Petro, Attorney General, and Erica L. Boss, Assistant Attorney General, for appellant and cross-appellee.
