

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

[Cite as *State ex rel. Shipp v. Indus. Comm.*, 101 Ohio St.3d 93, 2004-Ohio-25.]

Workers' compensation — Court of appeals' judgment affirmed.

(No. 2003-0941 — Submitted December 1, 2003 — Decided January 21, 2004.)

APPEAL from the Court of Appeals for Franklin County, No. 02AP-861, 2003-
Ohio-2190.

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

MOYER, C.J., LUNDBERG STRATTON, O'CONNOR and O'DONNELL, JJ.,
concur.

RESNICK, F.E. SWEENEY and PFEIFER, JJ., dissent, would reverse, and
would order relief pursuant to *State ex rel. Gay v. Mihm* (1994), 68 Ohio St.3d
315, 626 N.E.2d 666.

Hochman & Roach Co., L.P.A., Gary D. Plunkett and Mark Kalafatas, for
appellant.

Jim Petro, Attorney General, and Phil Wright Jr., Assistant Attorney
General, for appellee.
