

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

**[Cite as *State ex rel. Peters v. Indus. Comm.*, 103 Ohio St.3d 472, 2004-Ohio-
5704.]**

Workers' compensation — Court of appeals' judgment affirmed.

(No. 2003-2081 — Submitted August 17, 2004 — Decided November 10, 2004.)

APPEAL from the Court of Appeals for Franklin County, No. 03AP-67, 2003-Ohio-5945.

{¶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 and would reverse the judgment of the court of appeals.

Law Offices of Thomas Tootle Co., L.P.A., and Thomas Tootle, for appellant.

Jim Petro, Attorney General, and Keith Blosser, Assistant Attorney General, for appellee Industrial Commission of Ohio.

Thompson Hine, L.L.P., and Philip B. Cochran, for appellee Sugar Creek Packing Company.
