

**THE STATE EX REL. SMITH, APPELLANT, v. VEACH TRUCKING, INC. ET AL.,
APPELLEES.**

**[Cite as *State ex rel. Smith v. Veach Trucking, Inc.*,
111 Ohio St.3d 261, 2006-Ohio-5697.]**

Workers' compensation — Court of appeals' judgment affirmed.

(No. 2005-1808 — Submitted September 19, 2006 — Decided
November 15, 2006.)

APPEAL from the Court of Appeals for Franklin County,
No. 04AP-1229, 2005-Ohio-4923.

{¶ 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, O'DONNELL and
LANZINGER, JJ., concur.

RESNICK and PFEIFER, JJ., dissent and would reverse the judgment of the
court of appeals.

Angela D. Marinakis, for appellant.

Jim Petro, Attorney General, and Sue A. Wetzel, Assistant Attorney
General, for appellee Industrial Commission of Ohio.
