[This opinion has been published in *Ohio Official Reports* at 83 Ohio St.3d 135.]

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

[Cite as *State ex rel. Offill v. Indus. Comm.*, 1998-Ohio-145.]

Workers' compensation—Court of appeals' judgment affirmed.

(No. 96-2777—Submitted July 8, 1998—Decided September 16, 1998.)

APPEAL from the Court of Appeals for Franklin County, No. 96APD02-185.

Cloppert, Portman, Sauter, Latanick & Foley and *Frederic A. Portman*, for appellant.

Betty D. Montgomery, Attorney General, and *Dennis Rehor*, Assistant Attorney General, for appellee.

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

MOYER, C.J., PFEIFER, COOK and LUNDBERG STRATTON, JJ., concur.

DOUGLAS and F.E. SWEENEY, JJ., dissent.

RESNICK, J., dissents.

ALICE ROBIE RESNICK, J., dissenting.

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