[This opinion has been published in *Ohio Official Reports* at 87 Ohio St.3d 47.]

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

[Cite as *State ex rel. Trejbal v. Indus. Comm.*, 1999-Ohio-222.]

Workers' compensation—Court of appeals' judgment affirmed.

(No. 98-2695—Submitted August 25, 1999—Decided October 13, 1999.)

APPEAL from the Court of Appeals for Franklin County, No. 97APD08-1131.

Stewart Jaffy & Associates Co., L.P.A., Stewart R. Jaffy and *Marc J. Jaffy; Marshall & D'Angelo* and *G. Timothy Marshall*, for appellant.

Betty D. Montgomery, Attorney General, and *Jon D. Grandon*, 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, RESNICK and F.E. SWEENEY, JJ., dissent.

ALICE ROBIE RESNICK, J., dissenting.

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

DOUGLAS and F.E. SWEENEY, JJ., concur in the foregoing dissenting opinion.
