

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

**[Cite as *State ex rel. Tussing v. Indus. Comm.*,  
112 Ohio St.3d 544, 2007-Ohio-804.]**

*Workers' compensation — Court of appeals' judgment affirmed.*

(No. 2006-0651 — Submitted January 23, 2007 — Decided March 14, 2007.)

APPEAL from the Court of Appeals for Franklin County,  
No. 05AP-178, 2006-Ohio-703.

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{¶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, LANZINGER  
and CUPP, JJ., concur.

PFEIFER, J., dissents and would reverse the judgment of the court of  
appeals, grant the writ, and return the cause to the Industrial Commission.

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Philip J. Fulton Law Office and Jacob Dobres, for appellant.

Marc Dann, Attorney General, and Derrick L. Knapp, Assistant Attorney  
General, for appellee Industrial Commission of Ohio.

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