

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

[Cite as *State ex rel. Thomas v. Indus. Comm.* (1999), ___ Ohio St.3d ___.]

Workers' compensation — Court of appeals' judgment affirmed.

(No. 98-870 — Submitted November 10, 1998 — Decided January 20, 1999.)

APPEAL from the Court of Appeals for Franklin County, No. 97APD04-560.

Law Office of Thomas Tootle and Thomas Tootle, for appellant.

Betty D. Montgomery, Attorney General, and *Jon D. Grandon*, Assistant
Attorney General, for appellee.

The judgment of the court of appeals is affirmed consistent with the opinion
of the court of appeals.

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

DOUGLAS, J., dissents and would order relief consistent with *State ex rel.*
Gay v. Mihm (1994), 68 Ohio St.3d 315, 626 N.E.2d 666.

F.E. SWEENEY and PFEIFER, JJ., dissent and would reverse the judgment of
the court of appeals.