

**THE STATE EX REL. RUTLEDGE, APPELLANT, v. INDUSTRIAL COMMISSION OF
OHIO, APPELLEE, ET AL.**

[Cite as *State ex rel. Rutledge v. Indus. Comm.*, 97 Ohio St.3d 196, 2002-Ohio-
5783.]

Workers' compensation — Court of appeals' judgment affirmed.

(No. 2002-0346 — Submitted September 17, 2002 — Decided November 6,
2002.)

APPEAL from the Court of Appeals for Franklin County, No. 01AP-498.

{¶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, J., dissents.

RESNICK and F.E. SWEENEY, JJ., dissent, would reverse the judgment of
the court of appeals, and would order relief pursuant to *State ex rel. Gay v. Mihm*
(1994), 68 Ohio St.3d 315, 626 N.E.2d 666.

Butkovich, Schimpf, Schimpf & Ginocchio Co., L.P.A., and Robert E.
Hof, for appellant.

Betty D. Montgomery, Attorney General, and Erica L. Bass, Assistant
Attorney General, for appellee.
