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

[Cite as *State ex rel. Wilson v. Indus. Comm.,* 100 Ohio St.3d 23, 2003-Ohio-
4832.]

Civil procedure — Workers' compensation — Civ.R. 53(E)(3), applied — Court
of appeals' denial of writ of mandamus affirmed.

(No. 2002-1574 — Submitted August 26, 2003 — Decided September 24, 2003.)

APPEAL from the Court of Appeals for Franklin County, No. 01AP-928, 2002-
Ohio-4289.

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Per Curiam.

{¶1}   Appellant, Angela Wilson, contested the start date of benefits to
her minor child, Michael Hickman, following the death of his father, Chris D.
Witt, in an industrial accident.   Dissatisfied with the decision of appellee
Industrial Commission of Ohio, she petitioned the Court of Appeals for Franklin
County for a writ of mandamus.

{¶2}   The court of appeals referred the matter to a magistrate, who on
March 15, 2002, issued a report recommending that the writ be denied. Thirty-
four days later, appellant filed objections to that report.   The commission
responded with a motion to strike the objections as untimely and appellant made
no reply. The court granted that motion and ultimately adopted the magistrate's
findings of fact and conclusions of law.

{¶3}   This cause is now before this court upon an appeal as of right.

{¶4}   Appellant's arguments derive directly from the conclusions of law
provided in the magistrate's decision. Appellant, however, did not timely object
to those conclusions as Civ.R. 53(E)(3)(a) requires. Thus, pursuant to Civ.R.

53(E)(3)(b) and *State ex rel. Booher v. Honda of Am. Mfg., Inc.* (2000), 88 Ohio St.3d 52, 723 N.E.2d 571, we can proceed no further.

{¶5} Accordingly, the judgment of the court of appeals is affirmed.

Judgment affirmed.

MOYER, C.J., RESNICK, F.E. SWEENEY, PFEIFER, LUNDBERG STRATTON, O'CONNOR and O'DONNELL, JJ., concur.

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George S. Maley, for appellant.

Jim Petro, Attorney General, and Gerald H. Waterman, Assistant Attorney General, for appellee Industrial Commission.

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