

THE STATE EX REL. KYLE, APPELLANT, v. CITY OF AKRON; INDUSTRIAL COMMISSION
OF OHIO, APPELLEE.

[Cite as *State ex rel. Kyle v. Akron* (1999), ___ Ohio St.3d ____.]

Workers' compensation — Court of appeals' judgment affirmed.

(No. 98-1416 — Submitted February 23, 1999 — Decided April 28, 1999.)

APPEAL from the Court of Appeals for Franklin County, No. 97APD06-776.

Shapiro, Kendis & Associates Co., L.P.A., and Rachel B. Jaffy, for appellant.

Betty D. Montgomery, Attorney General, and *Nancy Q. Walker*, 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.

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