

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

**[Cite as *State ex rel. Bray v. Indus. Comm.*, 101 Ohio St.3d 203, 2004-Ohio-  
709.]**

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

(No. 2003-1222 — Submitted January 12, 2004 — Decided March 3, 2004.)

APPEAL from the Court of Appeals for Franklin County, No. 02AP-939, 2003-  
Ohio-2885.

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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 and O'DONNELL, JJ.,  
concur.

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

F.E. SWEENEY and PFEIFER, JJ., dissent, would reverse, and would order  
relief pursuant to *State ex rel. Noll v. Indus. Comm.* (1991), 57 Ohio St.3d 203,  
567 N.E.2d 245.

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Harris & Burgin, L.P.A., and Andrea L. Burns, for appellant.

Jim Petro, Attorney General, and Phil Wright Jr., Assistant Attorney  
General, for appellee Industrial Commission.

Michael K. Allen, Hamilton County Prosecuting Attorney, Thomas E.  
Deye and Susan Marie Gertz, Assistant Prosecuting Attorneys, for appellee Simon  
L. Leis Jr.