

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

[Cite as *State ex rel. Humphrey v. Indus. Comm.* (1998), ___ Ohio St.3d ____.]

Workers' compensation — Court of appeals' judgment affirmed.

(No. 97-1531 — Submitted August 19, 1998 — Decided October 14, 1998.)

APPEAL from the Court of Appeals for Franklin County, No. 96APD09-1210.

Law Offices of Larry Hotchkiss and Scott A. Bravi, for appellant.

Betty D. Montgomery, Attorney General, and *Michael A. Vanderhorst*,
Assistant Attorney General, for appellee.

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

F.E. SWEENEY, PFEIFER, COOK and LUNDBERG STRATTON, JJ., concur.

MOYER, C.J., DOUGLAS and RESNICK, JJ., dissent.

ALICE ROBIE RESNICK, J., dissenting. I would reverse the judgment of the
court of appeals and return the cause to the Industrial Commission to consider the
report of bureau vocational specialist Rod Metcalf. The commission's order lists
reports reviewed and evaluated, but omits mention of the Metcalf report. I
disagree with the court of appeals' finding that the commission satisfied the
requirement that it indicate consideration of the Metcalf report because another
vocational report makes several references to it. It is the commission's duty to
evaluate all the evidence, and it may not delegate that responsibility. See *State ex
rel. Hayes v. Indus. Comm.* (1997), 78 Ohio St.3d 572, 577, 679 N.E.2d 295, 299;
State ex rel. Fultz v. Indus. Comm. (1994), 69 Ohio St.3d 327, 631 N.E.2d 1057.

MOYER, C.J., and DOUGLAS, J., concur in the foregoing dissenting opinion.