

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

[Cite as *State ex rel. Hall v. Indus. Comm.*, 1996-Ohio-119.]

Workers' compensation—Industrial Commission does not abuse its discretion in basing a permanent partial disability award solely on medical and clinical findings that are reasonably demonstrable.

(No. 95-619—Submitted June 5, 1996—Decided July 3, 1996.)

APPEAL from the Court of Appeals for Franklin County, No. 94APD01-45.

{¶ 1} Appellee-claimant, Dorothy Hall, was injured in 1987 while in the course of and arising from her employment with Packard Electric. Her workers' compensation claim was allowed for "thoracic, lumbar and left shoulder sprain and strain." Five years later, she moved the Bureau of Workers' Compensation for permanent partial disability compensation.

{¶ 2} Bureau specialist Dr. Mark E. Weaver examined claimant and assessed a twenty-five percent permanent partial impairment. Dr. E.A. DeChellis examined claimant per the employer's request and reported a sixteen percent permanent partial impairment. Subsequently, Dr. Edward J. Urban, on behest of the claimant, found a forty-two percent impairment. Claimant also filed a report from vocational consultant John Ruth, who found a one hundred percent impairment.

{¶ 3} A district hearing officer for appellant, Industrial Commission of Ohio, awarded twenty-seven percent permanent partial disability "based upon the report of Drs. Weaver [and] Urban as well as a consideration of the claimant's nonmedical disability factors." The order was affirmed by the commission.

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{¶ 4} Claimant filed a complaint in mandamus in the Court of Appeals for Franklin County, alleging that the commission abused its discretion in finding only a twenty-seven percent permanent partial disability. The court of appeals found that the commission did not properly consider claimant's nonmedical disability factors and returned the cause for further consideration and amended order.

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

Weiner & Suit Co., L.P.A., and Paul W. Newendorp, for appellee.

Betty D. Montgomery, Attorney General, and *Diane M. Meftah*, Assistant Attorney General, for appellant.

Per Curiam.

{¶ 6} On authority of *State ex rel. Holman v. Longfellow Restaurant*. (1996), 76 Ohio St.3d 44, 665 N.E.2d 1123, the judgment of the court of appeals is hereby reversed.

Judgment reversed.

MOYER, C.J., PFEIFER, COOK and STRATTON, JJ., concur.

DOUGLAS, J., dissents.

RESNICK and F.E. SWEENEY, JJ., dissent and would affirm the judgment of the court of appeals.