

1 The State ex rel. Parrett, Appellant and Cross-Appellee, v. Industrial
2 Commission of Ohio, Appellee; Robbins & Myers Inc., Cross-Appellant
3 and Appellee.

4 [Cite as *State ex rel. Parrett v. Indus. Comm.* (1996), _____ Ohio
5 St.3d ____.]

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

10 (No. 94-1181 -- Submitted June 5, 1996 -- Decided July 3, 1996.)

11 APPEAL and CROSS-APPEAL from the Court of Appeals for Franklin
12 County, No. 93AP-420.

13 In 1989, appellant and cross-appellee, claimant Leon Dennis Parrett,
14 contracted contact dermatitis in the course of his employment with cross-
15 appellant and appellee, Robbins & Myers, Inc. On April 4, 1991, claimant
16 moved the Bureau of Workers' Compensation to determine his percentage
17 of permanent partial disability pursuant to R.C. 4123.57.

18 Bureau specialist Dr. Scott D. Bleser examined claimant and assessed
19 a twenty-five percent permanent partial impairment. Based on that report

1 and purported consideration of claimant's nonmedical disability factors, a
2 commission district hearing officer found claimant to have a twenty-five
3 percent permanent partial disability. That order was administratively
4 affirmed.

5 Claimant filed a complaint in mandamus in the Court of Appeals for
6 Franklin County, alleging that the commission abused its discretion in
7 failing to find a higher percentage of disability. The court of appeals agreed
8 and issued a limited writ that returned the cause to the commission for
9 further consideration and amended order.

10 This cause is now before this court upon an appeal and cross-appeal
11 as of right.

12 *Stewart Jaffy & Associates Co., L.P.A., Stewart R. Jaffy and Marc J.*
13 *Jaffy*, for appellant and cross-appellee.

14 *Betty D. Montgomery*, Attorney General, and *Gerald H. Waterman*,
15 Assistant Attorney General, for appellee.

16 *Thompson, Hine & Flory, Janice Rosenthal and Timothy E. Cowans*,
17 for cross-appellant and appellee.

