

**MCCLOSKY, APPELLANT, v. REGAL MINING, INC.; ADMINISTRATOR, BUREAU
OF WORKERS' COMPENSATION, ET AL., APPELLEES.**

**THE STATE EX REL.]TARR v. ADMINISTRATOR, BUREAU OF WORKERS'
COMPENSATION, ET AL.**

[Cite as *McClosky v. Regal Mining, Inc.*, 1997-Ohio-220.]

*Workers' compensation—R.C. 4123.512—Appeal to court of common pleas—
Decision of Industrial Commission to deny compensation for additional
condition requested subsequent to initial allowance of the claim is an
appealable decision.*

(Nos. 95-2635 and 96-304—Submitted March 4, 1997—Decided April 16, 1997.)

APPEAL from the Court of Appeals for Carroll County, No. 650.

IN MANDAMUS.

Cross & Rose Co., L.P.A., and Richard S. Dodson, Jr., for appellant in case
No. 95-2635.

Betty D. Montgomery, Attorney General, *Simon B. Karas*, Deputy Chief
Counsel, and *William A. Thorman III*, Assistant Attorney General, for appellees
Administrator, Bureau of Workers' Compensation, and Industrial Commission of
Ohio in case No. 95-2635.

Joseph R. Compoli, Jr., and *Mark S. Telich*, for relator in case No. 96-304.

Betty D. Montgomery, Attorney General, and *Gerald H. Waterman*,
Assistant Attorney General, for respondents in case No. 96-304.

{¶ 1} The judgment of the court of appeals in case No. 95-2635 is reversed
and the cause is remanded to the trial court for further proceedings on the authority
of *Afrates v. Lorain* (1992), 63 Ohio St.3d 22, 584 N.E.2d 1175.

SUPREME COURT OF OHIO

{¶ 2} The complaint in mandamus in case No. 96-304 is dismissed because relator has an adequate legal remedy from the Industrial Commission's order by way of appeal to the court of common pleas. R.C. 4123.512; *Afrates v. Lorain*.

MOYER, C.J., DOUGLAS, RESNICK, F.E. SWEENEY, PFEIFER, COOK and LUNDBERG STRATTON, JJ., concur.
