

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

[Cite as *State ex rel. Neumann v. Indus. Comm.*, 1998-Ohio-153.]

*Workers' compensation—Court of appeals' judgment reversed and State ex rel.
Gay relief ordered.*

(No. 96-2444—Submitted July 15, 1998—Decided September 16, 1998.)

APPEAL from the Court of Appeals for Franklin County, No. 95APD12-1648.

*Mitchell, Allen, Catalano & Boda Co., L.P.A., William A. Catalano and
Richard A. Cline, for appellant.*

*Betty D. Montgomery, Attorney General, and Laurel Blum Mazorow,
Assistant Attorney General, for appellee.*

{¶ 1} The judgment of the court of appeals is reversed. The cause is
returned to the Industrial Commission for relief consistent with *State ex rel. Gay v.
Mihm* (1994), 68 Ohio St.3d 315, 626 N.E.2d 666.

DOUGLAS, RESNICK, F.E. SWEENEY and PFEIFER, JJ., concur.

MOYER, C.J., dissents.

COOK and LUNDBERG STRATTON, JJ., dissent.

LUNDBERG STRATTON, J., dissenting.

{¶ 2} I dissent and would affirm the court of appeals.

COOK, J., concurs in the foregoing dissenting opinion.
