

**THE STATE EX REL. TATE, APPELLANT, v. TRIMBLE, ADMR., ET AL.,  
APPELLEES.**

**[Cite as *State ex rel. Tate v. Trimble*, 1998-Ohio-200.]**

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

(No. 96-1671—Submitted June 24, 1998—Decided August 5, 1998.)

APPEAL from the Court of Appeals for Franklin County, No. 95APD08-995.

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*Law Offices of Ronald J. Koltak, Ronald J. Koltak and Peter J. Gibson, for  
appellant.*

*Betty D. Montgomery, Attorney General, and Dennis L. Hufstader,  
Assistant Attorney General, for appellees.*

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{¶ 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., COOK and LUNDBERG STRATTON, JJ., dissent and would  
affirm the judgment of the court of appeals.

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