

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

[Cite as *State ex rel. Young v. Indus. Comm.*, 1998-Ohio-21.]

*Workers' compensation—Court of appeals' judgment reversed and cause returned
for State ex rel. Noll relief.*

(No. 97-1583—Submitted August 19, 1998—Decided November 10, 1998.)

APPEAL from the Court of Appeals for Franklin County, No. 96APD10-1318.

Law Office of Thomas Tootle and Thomas Tootle, for appellant.

Betty D. Montgomery, Attorney General, and *Craig E. Gould*, Assistant
Attorney General, for appellee.

{¶ 1} The judgment of the court of appeals is reversed, and the cause is
returned to the Industrial Commission for relief pursuant to *State ex rel. Noll v.
Indus. Comm.* (1991), 57 Ohio St.3d 203, 567 N.E.2d 245.

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

MOYER, C.J., COOK and LUNDBERG STRATTON, JJ., dissent.

LUNDBERG STRATTON, J., dissenting.

{¶ 2} I dissent and would affirm the judgment of the court of appeals
consistent with the opinion of the court of appeals.

MOYER, C.J., and COOK, J., concur in the foregoing dissenting opinion.
