

**THE STATE EX REL. LOCKER, APPELLANT, v. INDUSTRIAL COMMISSION OF
OHIO ET AL., APPELLEES.**

[Cite as *State ex rel. Locker v. Indus. Comm.*, 1998-Ohio-232.]

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

(No. 96-278—Submitted May 26, 1998—Decided July 22, 1998.)

APPEAL from the Court of Appeals for Franklin County, No. 94APD11-1631.

Brian & Brian Law Office and *Richard F. Brian*, for appellant.

Betty D. Montgomery, Attorney General, and *Constance A. Snyder*,
Assistant Attorney General, for appellee Industrial Commission of Ohio.

Black, McCuskey, Souers & Arbaugh and *Mary E. Randall*, for appellee
Visiting Care, Inc.

Buckingham, Doolittle & Burroughs, L.P.A., and *Richard A. Hernandez*, for
appellee Canton Christian Home.

Porter, Wright, Morris & Arthur and *Christopher C. Russell*, for appellee
Sanese Services, Inc.

{¶ 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.

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

COOK and LUNDBERG STRATTON, JJ., dissent.
