

**THE STATE EX REL. TOLEDO HOSPITAL, APPELLEE, v. ADMR., OHIO BUREAU OF
WORKERS' COMPENSATION, ET AL., APPELLEES; KANARY, APPELLANT.**

**[Cite as *State ex rel. Toledo Hosp. v. Ohio Bur. of Workers' Comp.*,
1998-Ohio-350.]**

*Workers' compensation—Court of appeals' judgment reversed and order of
Industrial Commission reinstated.*

(No. 96-1656—Submitted October 27, 1998—Decided December 30, 1998.)

APPEAL from the Court of Appeals for Franklin County, No. 95APD04-424.

Marshall & Melhorn and *David L. O'Connell*, for appellee Toledo Hospital.

Betty D. Montgomery, Attorney General, and *Reeve W. Kelsey*, Assistant
Attorney General, for appellees Administrator, Bureau of Workers' Compensation,
and Industrial Commission.

Dorothy B. McCrory & Associates, *Christopher S. Clark* and *Kurt M.
Young*, for appellant John E. Kanary.

{¶ 1} The judgment of the court of appeals is reversed, and the order of the
Industrial Commission is reinstated.

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

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

LUNDBERG STRATTON, J., dissenting.

{¶ 2} Because I would affirm the judgment of the court of appeals, I
respectfully dissent.

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