

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

[Cite as *State ex rel. Ross v. Indus. Comm.*, 1998-Ohio-409.]

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

(No. 96-1435—Submitted June 24, 1998—Decided August 5, 1998.)

APPEAL from the Court of Appeals for Franklin County, No. 95APD05-584.

Stewart Jaffy & Associates Co., L.P.A., Stewart R. Jaffy and Marc J. Jaffy,
for appellant.

Betty D. Montgomery, Attorney General, and *Michael A. Vanderhorst,*
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.

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

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