

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

[Cite as *State ex rel. Cuevas v. Indus. Comm.*, 1998-Ohio-47.]

Workers' compensation—Court of appeals' judgment reversed.

(No. 96-515—Submitted August 19, 1998—Decided October 14, 1998.)

APPEAL from the Court of Appeals for Franklin County, No. 94APD02-275.

Philip A. Marnecheck, for appellee.

Betty D. Montgomery, Attorney General, and *Gerald H. Waterman*,
Assistant Attorney General, for appellant.

{¶ 1} Finding that the court of appeals decided this case on the authority of its case, *State ex rel. Draganic v. Indus. Comm.* (Sept. 22, 1994), Franklin App. No. 93APD10-1491, unreported, 1994 WL 521157, which case was subsequently reversed by this court in (1996), 75 Ohio St.3d 461, 663 N.E.2d 929, we reverse the judgment of the court of appeals and remand the cause to that court for further proceedings in accordance with *State ex rel. Tapp v. Parsec, Inc.* (1998), 82 Ohio St.3d 417, 696 N.E.2d 591.

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