

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

[Cite as *State ex rel. Clemons v. Indus. Comm.*, 1998-Ohio-69.]

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

(No. 97-1323—Submitted August 19, 1998—Decided October 14, 1998.)

APPEAL from the Court of Appeals for Franklin County, No. 96APD08-1058.

Hochman & Roach Co., L.P.A., and *Carla J. Lauer*, for appellant.

Betty D. Montgomery, Attorney General, and *William D. Haders*, 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.

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

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

LUNDBERG STRATTON, J., dissenting.

{¶ 2} I would reverse the judgment of the court of appeals and issue a
limited writ to return the cause to the Industrial Commission for further
consideration consistent with *State ex rel. Noll v. Indus. Comm.* (1991), 57 Ohio
St.3d 203, 567 N.E.2d 245.

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