

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

**[Cite as *State ex rel. Ward v. Indus. Comm.*, 1998-Ohio-74.]**

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

(No. 97-959—Submitted August 19, 1998—Decided October 14, 1998.)

APPEAL from the Court of Appeals for Franklin County, No. 96APD04-394.

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

*Betty D. Montgomery,* Attorney General, and *Dennis Rehor,* Assistant  
Attorney General, for appellee.

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{¶ 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 at 666.

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

MOYER, C.J., and COOK, J., dissent.

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