

THE STATE EX REL. MITCHELL, APPELLANT, v. GENERAL MOTORS CORPORATION,
PACKARD ELECTRIC DIVISION, ET AL., APPELLEES.

[Cite as *State ex rel. Mitchell v. Gen. Motors Corp., Packard Elec. Div.* (1998),

___ Ohio St.3d ___.]

Workers' compensation — Court of appeals' judgment reversed and Noll relief ordered.

(No. 96-1445 — Submitted August 19, 1998 — Decided October 14, 1998.)

APPEAL from the Court of Appeals for Franklin County, No. 95APD06-796.

Weiner, Suit & Coury and Paul W. Newendorp, for appellant.

Vorys, Sater, Seymour & Pease, Robert A. Minor and Jacklyn J. Ford, for
appellee General Motors Corporation.

Betty D. Montgomery, Attorney General, and *David J. Kovach*, Assistant
Attorney General, for appellee Industrial Commission.

The judgment of the court of appeals is reversed. The cause is returned to
the Industrial Commission for relief consistent with *State ex rel. Noll v. Indus.*
Comm. (1991), 57 Ohio St.3d 203, 567 N.E.2d 245.

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

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

LUNDBERG STRATTON, J., dissenting. I dissent and would affirm the court
of appeals.

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