

THE STATE EX REL. MCCULLOUGH, APPELLANT, v. INDUSTRIAL COMMISSION OF  
OHIO ET AL., APPELLEES.

[Cite as *State ex rel. McCullough v. Indus. Comm.* (1998), \_\_\_ Ohio St.3d \_\_\_\_.]

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

(No. 98-536 — Submitted September 15, 1998 — Decided November 10, 1998.)

APPEAL from the Court of Appeals for Franklin County, No. 97APD01-22.

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*Raymond J. Tisone & Associates Co., L.P.A.*, and *Raymond J. Tisone*, for  
appellant.

*Betty D. Montgomery*, Attorney General, and *Steven K. Aronoff*, Assistant  
Attorney General, for appellee Industrial Commission.

*Duvin, Cahn & Hutton* and *Christine C. Covey*, for appellee Ohio Turnpike  
Commission.

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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 LUNDBERG STRATTON, JJ., concur.

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