

**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-9.]

*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.

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.

{¶ 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 LUNDBERG STRATTON, JJ., concur.

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