

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

**[Cite as *State ex rel. Butler v. Indus. Comm.*, 1999-Ohio-171.]**

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

(No. 98-2086—Submitted June 22, 1999—Decided September 8, 1999.)

APPEAL from the Court of Appeals for Franklin County, No. 97APD07-922.

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*Lester S. Potash and Martha H. Krebs*, for appellant.

*Betty D. Montgomery*, Attorney General, and *Fedele DeSantis*, Assistant  
Attorney General, for appellee Industrial Commission.

*Kelly E. Drushel*, for appellee SIFCO Industries, Inc.

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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 666.

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

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

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**LUNDBERG STRATTON, J., dissenting.**

{¶ 2} I dissent and would affirm the judgment of the court of appeals.

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

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