

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

[Cite as *State ex rel. Garrett v. Indus. Comm.*, 1999-Ohio-185.]

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

(No. 98-2483—Submitted July 28, 1999—Decided September 22, 1999.)

APPEAL from the Court of Appeals for Franklin County, No. 97APD10-1322.

Law Office of Thomas Tootle and Thomas Tootle, for appellant.

Betty D. Montgomery, Attorney General, and *Angela D. Marinakis*,
Assistant Attorney General, for appellee.

{¶ 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.

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

COOK, J., dissents.
