

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

[Cite as *State ex rel. Clark v. Indus. Comm.*, 1999-Ohio-190.]

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

(No. 99-87—Submitted July 28, 1999—Decided September 22, 1999.)

APPEAL from the Court of Appeals for Franklin County, No. 97APD11-1549.

Koltak & Gibson L.L.P., *Ronald J. Koltak* and *Peter J. Gibson*, for
appellant.

Betty D. Montgomery, Attorney General, and *Dennis H. Behm*, 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.

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

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

LUNDBERG STRATTON, J., dissents and would affirm the judgment of the
court of appeals.
