

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

**[Cite as *State ex rel. Green v. Indus. Comm.*, 1999-Ohio-228.]**

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

(No. 99-212—Submitted August 25, 1999—Decided October 13, 1999.)

APPEAL from the Court of Appeals for Franklin County, No. 97APD11-1557.

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*Stewart Jaffy & Associates Co., L.P.A., Stewart R. Jaffy, Marc J. Jaffy and  
Lynn S. Jaffy*, for appellant.

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

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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., dissents.

COOK and LUNDBERG STRATTON, JJ., dissent.

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

{¶ 2} I respectfully dissent because I do not agree that *Gay* relief is  
warranted. I would affirm the judgment of the court of appeals and return the cause  
to the Industrial Commission for compliance with *State ex rel. Noll v. Indus. Comm.*  
(1991), 57 Ohio St.3d 203, 567 N.E.2d 245.

COOK, J., concurs in the foregoing dissenting opinion.

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