

**THE STATE EX REL. AMERICARE CORP., APPELLEE, v. INDUSTRIAL
COMMISSION OF OHIO; HARTLEY, APPELLANT.**

[Cite as *State ex rel. Americare Corp. v. Indus. Comm.*, 1999-Ohio-233.]

*Workers' compensation—Court of appeals' judgment reversed and Industrial
Commission's order reinstated.*

(No. 99-606—Submitted August 25, 1999—Decided October 13, 1999.)

APPEAL from the Court of Appeals for Franklin County, No. 98AP-354.

*Schottenstein, Zox & Dunn Co., L.P.A., and Patrick A. Devine, for appellee.
Barkan & Neff, L.P.A., and Robert E. DeRose, for appellant.*

{¶ 1} The judgment of the court of appeals is reversed, and the order of the
Industrial Commission is reinstated.

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

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

LUNDBERG STRATTON, J., dissenting.

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

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