

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

[Cite as *State ex rel. Fleischer v. Indus. Comm.*, 1999-Ohio-416.]

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

(No. 98-743—Submitted October 12, 1998—Decided February 24, 1999.)

APPEAL from the Court of Appeals for Franklin County, No. 97APD01-120.

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

Betty D. Montgomery, Attorney General, and *Jon D. Grandon*, Assistant
Attorney General, for appellee.

{¶ 1} The judgment of the court of appeals is reversed. The cause is
returned 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.

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

PFEIFER, COOK and LUNDBERG STRATTON, JJ., dissent.

LUNDBERG STRATTON, J., dissenting.

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

PFEIFER and COOK, JJ., concur in the foregoing dissenting opinion.
