

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

**[Cite as *State ex rel. Thomas v. Indus. Comm.*, 1999-Ohio-436.]**

*Motion for reconsideration granted—Court of appeals’ judgment reversed and  
State ex rel. Gay relief ordered.*

(No. 98-870—Submitted February 9, 1999—Decided March 24, 1999.)

ON MOTION FOR RECONSIDERATION.

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

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

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{¶ 1} The motion for this court to reconsider its judgment entry and decision  
in *State ex rel. Thomas v. Indus. Comm.* (1999), 84 Ohio St.3d 370, 703 N.E.2d  
1280, is granted.

{¶ 2} 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., COOK and LUNDBERG STRATTON, JJ., dissent.

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

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

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

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