

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

[Cite as *State ex rel. Clark v. Indus. Comm.*, 1999-Ohio-495.]

Workers' compensation—Court of appeals' judgment reversed and writ allowed.

(No. 97-2484—Submitted November 10, 1998—Decided January 20, 1999.)

Appeal from the Court of Appeals for Franklin County, No. 96APD10-1310.

Elliott, Heller, Maas, Moro & Magill Co., L.P.A., and Richard L. Magill,
for appellant.

Betty D. Montgomery, Attorney General, and *Gerald H. Waterman,*
Assistant Attorney General, for appellee.

Stewart Jaffy & Associates Co., L.P.A., Stewart R. Jaffy, Marc J. Jaffy and
Lynn S. Jaffy, urging reversal for *amicus curiae*, Ohio Academy of Trial Lawyers.

{¶ 1} The judgment of the court of appeals is reversed. A writ of mandamus directing the Industrial Commission to vacate its denial of compensation for the total loss of the second finger and to enter an order granting that compensation is allowed.

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

COOK and LUNDBERG STRATTON, JJ., dissent.

LUNDBERG STRATTON, J., dissenting.

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

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