

**THE STATE EX REL. DIETZ, APPELLANT, v. CONRAD, ADMR., ET AL.,  
APPELLEES.**

**[Cite as *State ex rel. Dietz v. Conrad*, 1999-Ohio-496.]**

*Workers' compensation—Court of appeals' judgment reversed and limited writ issued.*

(No. 97-2362—Submitted October 27, 1998—Decided January 20, 1999.)

APPEAL from the Court of Appeals for Franklin County, No. 96APD12-1735.

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*Stephen E. Mindzak Law Offices* and *Stephen E. Mindzak*, for appellant.

*Betty D. Montgomery*, Attorney General, and *Dennis L. Hufstader*,  
Assistant Attorney General, for appellee Industrial Commission of Ohio.

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{¶ 1} The judgment of the court of appeals is reversed, and a limited writ is issued that returns the cause to the Industrial Commission for recalculation of appellant's average weekly wage in accordance with the special circumstances provision of R.C. 4123.61.

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 dissent and would affirm the judgment of the court of appeals.

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

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