

**THE STATE EX REL. MARTIN, APPELLANT, v. INDUSTRIAL COMMISSION OF
OHIO ET AL., APPELLEES.**

[Cite as *State ex rel. Martin v. Indus. Comm.*, 1999-Ohio-500.]

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

(No. 98-1069—Submitted November 10, 1998—Decided January 20, 1999.)

APPEAL from the Court of Appeals for Franklin County, No. 97APD04-566.

Larrimer & Larrimer and *David H. Swanson*, for appellant.

Betty D. Montgomery, Attorney General, and *C. Bradley Howenstein*, for
appellee Industrial Commission.

Buckingham, Doolittle & Burroughs, L.L.P., *Brett L. Miller*, *Richard A.
Hernandez* and *Michael L. Williams*, for appellee Lancaster Fairfield Community
Hospital.

{¶ 1} 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.

LUNDBERG STRATTON, J., dissenting.

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

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