

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 St.3d ___.]

*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.

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

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