

**THE STATE EX REL. PLONSKI, APPELLANT, v. KIMBERLY QUALITY CARE ET  
AL.; INDUSTRIAL COMMISSION OF OHIO, APPELLEE.**

**[Cite as *State ex rel. Plonski v. Kimberly Quality Care*, 1999-Ohio-503.]**

*Workers' compensation—Court of appeals' judgment reversed and delayed appeal  
permitted.*

(No. 97-506—Submitted October 27, 1998—Decided January 20, 1999.)

APPEAL from the Court of Appeals for Franklin County, No. 96APD05-613.

*Shapiro, Kendis & Associates Co., L.P.A., and Rachel B. Jaffy*, for  
appellant.

*Betty D. Montgomery*, Attorney General, and *Jonathan A. Good*, Assistant  
Attorney General, for appellee.

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{¶ 1} The judgment of the court of appeals is reversed. The Industrial  
Commission is ordered to permit relator Deborah Plonski to proceed with a delayed  
appeal, since there was evidence in the Bureau of Workers' Compensation file prior  
to the hearing of relator's change of address.

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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