

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

[Cite as *State ex rel. Smith v. Indus. Comm.*, 1999-Ohio-505.]

*Workers' compensation—Court of appeals' judgment reversed and writ granted—
Cause returned to Industrial Commission to calculate temporary total
disability.*

(No. 96-1948—Submitted October 12, 1998—Decided January 20, 1999.)

APPEAL from the Court of Appeals for Franklin County, No. 95APD09-1123.

Law Offices of Larry Hotchkiss and Scott A. Bravi, for appellant.

Betty D. Montgomery, Attorney General, and *William J. McDonald*,
Assistant Attorney General, for appellee Industrial Commission.

Michael Matuska, Assistant City Attorney, for appellee city of Columbus.

Stewart Jaffy & Associates Co., L.P.A., *Stewart R. Jaffy* and *Marc J. Jaffy*,
urging reversal for *amici curiae*, Ohio AFL-CIO, Ohio Association of Professional
Firefighters, and Ohio Academy of Trial Lawyers.

Vorys, Sater, Seymour & Pease, *Robert A. Minor* and *Robin R. Obez*,
urging affirmance for *amici curiae*, Ohio Manufacturers' Association and Ohio
Self-Insurers' Association.

{¶ 1} The judgment of the court of appeals is reversed, and the relator's writ
of mandamus is granted. This matter is returned to the Industrial Commission to
calculate temporary total disability.

DOUGLAS, RESNICK, F.E. SWEENEY and LUNDBERG STRATTON, JJ., concur.

MOYER, C.J., PFEIFER and COOK, JJ., dissent.
