

**THE STATE EX REL. NORTH, APPELLEE and CROSS-APPELLANT, v. CONRAD,
ADM., BUREAU OF WORKERS' COMPENSATION ET AL., APPELLANTS and
CROSS-APPELLEES.**

[Cite as *State ex rel. North v. Conrad*, 2000-Ohio-131.]

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

(No. 99-1048—Submitted April 10, 2000—Decided June 21, 2000.)

APPEAL and CROSS-APPEAL from the Court of Appeals for Franklin County, No.
98AP-678.

*Butkovich, Schimpf, Schimpf & Ginocchio Co., L.P.A., James A. Whittaker
and Stephen P. Gast*, for appellee and cross-appellant.

Betty D. Montgomery, Attorney General, and *Steven P. Fixler*, Assistant
Attorney General, for appellants and cross-appellees.

{¶ 1} The judgment of the court of appeals is affirmed. 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.

MOYER, C.J., DOUGLAS, RESNICK, F.E. SWEENEY and PFEIFER, JJ., concur.

COOK and LUNDBERG STRATTON, JJ., concur and dissent.

LUNDBERG STRATTON, J., concurring and dissenting.

{¶ 2} I would affirm the judgment of the court of appeals and remand the
cause for reconsideration, but would not mandate the application of *Gay* relief.

COOK, J., concurs in the foregoing opinion.
