

**THE STATE EX REL. TACKETT, APPELLANT, v. INDUSTRIAL COMMISSION OF  
OHIO, APPELLEE, ET AL.**

**[Cite as *State ex rel. Tackett v. Indus. Comm.*, 2000-Ohio-307.]**

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

(No. 99-981—Submitted February 8, 2000—Decided March 22, 2000.)

APPEAL from the Court of Appeals for Franklin County, No. 98AP-471.

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*Law Office of Thomas Tootle and Thomas Tootle*, for appellant.

*Betty D. Montgomery*, Attorney General, and *Cheryl J. Nester*, Assistant  
Attorney General, for appellee.

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{¶ 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., and COOK, J., dissent and would affirm the judgment of the  
court of appeals.

LUNDBERG STRATTON, J., dissents and would return this cause to the  
Industrial Commission for further review.

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