

**KLOSTERMAN BAKING COMPANY, INC., APPELLEE, v. ADMINISTRATOR, OHIO
BUREAU OF EMPLOYMENT SERVICES, APPELLEE; BAKERY, CONFECTIONERY
AND TOBACCO WORKERS' INTERNATIONAL UNION LOCAL # 57 AFL-CIO, AN
UNINCORPORATED ASSOCIATION, ET AL., APPELLANTS.**

[Cite as *Klosterman Baking Co. v. Ohio Bur. of Emp. Serv.*, 2000-Ohio-402.]

Court of appeals' judgment reversed on authority of Bays v. Shenango Co.

(No. 99-991—Submitted March 7, 2000—Decided May 24, 2000.)

APPEAL from the Court of Appeals for Hamilton County, No. C-980255.

Graydon, Head & Ritchey and *Daniel E. Burke*, for appellee Klosterman Baking Co.

Betty D. Montgomery, Attorney General, and *David E. Lefton*, Assistant Attorney General, for appellee Administrator, Ohio Bureau of Employment Services.

Leonard S. Sigall, for appellants.

{¶ 1} The judgment of the court of appeals is reversed on the authority of *Bays v. Shenango Co.* (1990), 53 Ohio St.3d 132, 559 N.E.2d 740.

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

COOK and LUNDBERG STRATTON, JJ., dissent.

COOK, J., dissenting.

{¶ 2} The court of appeals heard this case twice, once after remand. In both decisions, it cited *Bays v. Shenango Co.* (1990), 53 Ohio St.3d 132, 559 N.E.2d 740. Nevertheless, the majority of this court resolves this appeal by reversing and citing the same case the court of appeals cited in both of its decisions. Even if I

SUPREME COURT OF OHIO

were to agree that this case should be reversed, I surely would think that more than a citation to *Bays v. Shenango* would be necessary.

{¶ 3} In any event, I also differ from the majority in that I would affirm the judgment of the court of appeals. I, therefore, respectfully dissent.

LUNDBERG STRATTON, J., concurs in the foregoing dissenting opinion.
