

**THE STATE EX REL. ALSTON, APPELLANT, v. INDUSTRIAL COMMISSION OF
OHIO, APPELLEE.**

[Cite as *State ex rel. Alston v. Indus. Comm.*, 2000-Ohio-415.]

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

(No. 99-1901—Submitted April 4, 2000—Decided May 24, 2000.)

APPEAL from the Court of Appeals for Franklin County, No. 98AP-1325.

McCrory & Associates Co., L.P.A., and *Kurt M. Young*, for appellant.

Betty D. Montgomery, Attorney General, and *Stephen D. Plymale*, Assistant
Attorney General, for appellee.

{¶ 1} The judgment of the court of appeals is reversed, and the cause is
returned to the Industrial Commission for compliance with *State ex rel. Noll v.
Indus. Comm.* (1991), 57 Ohio St.3d 203, 567 N.E.2d 245.

DOUGLAS, RESNICK, F.E. SWEENEY and PFEIFER, JJ., concur.

MOYER, C.J., COOK and LUNDBERG STRATTON, JJ., dissent.

LUNDBERG STRATTON, J., dissenting.

{¶ 2} I dissent and would affirm the judgment of the court of appeals.

MOYER, C.J., and COOK, J., concur in the foregoing dissenting opinion.
