

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

[Cite as *State ex rel. Thornton v. Indus. Comm.*, 2000-Ohio-466.]

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

(No. 98-1899—Submitted November 16, 1999—Decided January 19, 2000.)

APPEAL from the Court of Appeals for Franklin County, No. 97APD07-899.

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

Betty D. Montgomery, Attorney General, and *Craig E. Gould*, Assistant
Attorney General, for appellee.

{¶ 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., COOK and LUNDBERG STRATTON, JJ., dissent.

LUNDBERG STRATTON, J., dissenting.

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

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