

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

[Cite as *State ex rel. Dunn v. Indus. Comm.*, 2002-Ohio-5933.]

*Motion for reconsideration granted—Judgment reversed and cause returned for
relief consistent with State ex rel. Noll.*

(No. 2001-2159—Submitted September 24, 2002—Decided November 13, 2002.)

APPEAL from the Court of Appeals for Franklin County, No. 01AP-241.

ON MOTION for Reconsideration.

{¶1} The motion for reconsideration of the judgment of August 21, 2002, found at 96 Ohio St.3d 191, 2002-Ohio-3955, 772 N.E.2d 1184, is granted.

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

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

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

LUNDBERG STRATTON, J., dissenting.

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

MOYER, C.J., concurs in the foregoing dissenting opinion.

Harris & Burgin, L.P.A., Lester J. Burgin and Andrea L. Burns, for appellant.

Betty D. Montgomery, Attorney General, and Erica L. Bass, Assistant Attorney General, for appellee.

SUPREME COURT OF OHIO
