

**THE STATE EX REL. AKERS, APPELLANT, v. ROBERTSHAW CONTROLS ET AL.,
APPELLEES.**

[Cite as *State ex rel. Akers v. Robertshaw Controls*, 2002-Ohio-72.]

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

(No. 01-829—Submitted November 13, 2001—Decided January 9, 2002.)

APPEAL from the Court of Appeals for Franklin County, No. 00AP-660.

{¶ 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.

MOYER, C.J., DOUGLAS, RESNICK, F.E. SWEENEY and PFEIFER, JJ., concur.
LUNDBERG STRATTON, J., concurs in part and dissents in part.
COOK, J., dissents.

LUNDBERG STRATTON, J., concurring in part and dissenting in part.

{¶ 2} I would also reverse the judgment of the court of appeals. However, I would not grant *Gay* relief. The commission has not yet determined the extent of claimant's psychological claim, so *Gay* relief is inappropriate. The matter should be returned to the commission to conduct such an analysis. *Gay* relief is premature. Therefore, I dissent from the majority's decision to grant *Gay* relief.

SUPREME COURT OF OHIO

COOK, J., dissenting.

{¶ 3} I respectfully dissent. I would affirm the judgment of the court of appeals for the reasons stated in the court of appeals' opinion and the decision of its magistrate.

Robert M. Robinson, for appellant.

Roetzel & Andress, Charles D. Smith and Noel C. Shepard, for appellee Robertshaw Controls.

Betty D. Montgomery, Attorney General, and *Jeffrey B. Hartranft*, Assistant Attorney General, for appellee Industrial Commission.
