

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

[Cite as *State ex rel. Green v. Indus. Comm.* (1999), 87 Ohio St.3d 41.]

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

(No. 99-212 — Submitted August 25, 1999 — Decided October 13, 1999.)

APPEAL from the Court of Appeals for Franklin County, No. 97APD11-1557.

*Stewart Jaffy & Associates Co., L.P.A., Stewart R. Jaffy, Marc J. Jaffy and
Lynn S. Jaffy*, for appellant.

Betty D. Montgomery, Attorney General, and *Angela D. Marinakis*,
Assistant Attorney General, for appellee.

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., dissents.

COOK and LUNDBERG STRATTON, JJ., dissent.

LUNDBERG STRATTON, J., dissenting. I respectfully dissent because I do
not agree that *Gay* relief is warranted. I would affirm the judgment of the court of
appeals and return the cause 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.

COOK, J., concurs in the foregoing dissenting opinion.