

THE STATE EX REL. TATE, APPELLANT, v. TRIMBLE, ADMR., ET AL., APPELLEES.

[Cite as *State ex rel. Tate v. Trimble* (1998), ___ Ohio St.3d ____.]

Workers' compensation — Court of appeals' judgment reversed and State ex rel.

Gay relief ordered.

(No. 96-1671 — Submitted June 24, 1998 — Decided August 5, 1998.)

APPEAL from the Court of Appeals for Franklin County, No. 95APD08-995.

Law Offices of Ronald J. Koltak, Ronald J. Koltak and Peter J. Gibson, for
appellant.

Betty D. Montgomery, Attorney General, and *Dennis L. Hufstader*, Assistant
Attorney General, for appellees.

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 and would affirm
the judgment of the court of appeals.