

1 The State ex rel. GZK, Inc., Appellee, v. Ohio Bureau of Workers'
2 Compensation et al., Appellants.
3 [Cite as *State ex rel. GZK, Inc. v. Ohio Bur. of Workers' Comp.* (1996),
4 ____ Ohio St. 3d ____.]
5 *Workers' compensation -- Rate and premium jurisdiction -- Former R.C.*
6 *4123.29, applied.*
7 (No. 94-933--Submitted September 26, 1995--Decided January 10,
8 1996.)
9 Appeal from the Court of Appeals for Franklin County, No.
10 93APD03-323.

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12 In 1990, GZK, Inc., appellee, applied to the Bureau of Workers'
13 Compensation for inclusion in a group insurance coverage for the 1991
14 rating year. The bureau's actuarial section denied the request. On appeal,
15 both the bureau's group rating committee and adjudicating committee
16 affirmed the denial.

17 GZK filed a complaint in mandamus in the Court of Appeals for
18 Franklin County, naming the bureau as sole respondent and alleging an

1 abuse of discretion in denying group coverage. The court of appeals

2 granted the following relief:

3 “It is the judgment and order of this court that a writ of mandamus
4 issue against respondent Industrial Commission of Ohio ordering it to
5 vacate its order denying GZK Incorporated’s application for group
6 insurance coverage for the rating year beginning July 1, 1991 and determine
7 whether GZK Incorporated qualifies for group insurance irrespective of
8 GZK’s participation in the part pay-plan.”

9 This cause is now before this court upon an appeal as of right.

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11 *Betty D. Montgomery, Attorney General, and Dennis L. Hufstader,*

12 Assistant Attorney General, for appellants.

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14 *Per Curiam.* The court of appeals ordered a writ of mandamus to
15 issue against the *commission* compelling it to vacate the order denying GZK
16 group rating inclusion. The commission, however, was never a party to this
17 order. Former R.C. 4123.29 bestowed rate and premium jurisdiction on the

1 bureau, not the commission. As such, the commission was *never* involved
2 in this matter administratively and has issued no order amenable to vacation.

3 The judgment of the court of appeals is reversed.

4 *Judgment reversed.*

5 MOYER, C.J., DOUGLAS, WRIGHT, RESNICK, F.E. SWEENEY, PFEIFER

6 and COOK, JJ., concur.

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