

1 The State ex rel. Hall, Appellee, v. Industrial Commission of Ohio,

2 Appellant.

3 [Cite as State ex rel. Hall v. Indus. Comm. (1996), \_\_\_\_ Ohio St.3d \_\_\_\_.]

4 *Workers' compensation -- Industrial Commission does not abuse its*  
5 *discretion in basing a permanent partial disability award solely*  
6 *on medical and clinical findings that are reasonably*  
7 *demonstrable.*

8 (No. 95-619 -- Submitted June 5, 1996 -- Decided July 3, 1996.)

9 Appeal from the Court of Appeals for Franklin County, No.

10 94APD01-45.

11 Appellee-claimant, Dorothy Hall, was injured in 1987 while in the

12 course of and arising from her employment with Packard Electric. Her

13 workers' compensation claim was allowed for "thoracic, lumbar and left

14 shoulder sprain and strain." Five years later, she moved the Bureau of

15 Workers' Compensation for permanent partial disability compensation.

16 Bureau specialist Dr. Mark E. Weaver examined claimant and

17 assessed a twenty-five percent permanent partial impairment. Dr. E.A.

18 DeChellis examined claimant per the employer's request and reported a

19 sixteen percent permanent partial impairment. Subsequently, Dr. Edward J.

1 Urban, on behest of the claimant, found a forty-two percent impairment.  
2 Claimant also filed a report from vocational consultant John Ruth, who  
3 found a one hundred percent impairment.

4 A district hearing officer for appellant, Industrial Commission of  
5 Ohio, awarded twenty-seven percent permanent partial disability “based  
6 upon the report of Drs. Weaver [and] Urban as well as a consideration of the  
7 claimant’s nonmedical disability factors.” The order was affirmed by the  
8 commission.

9 Claimant filed a complaint in mandamus in the Court of Appeals for  
10 Franklin County, alleging that the commission abused its discretion in  
11 finding only a twenty-seven percent permanent partial disability. The court  
12 of appeals found that the commission did not properly consider claimant’s  
13 nonmedical disability factors and returned the cause for further  
14 consideration and amended order.

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

16

---

17 *Weiner & Suit Co., L.P.A., and Paul W. Newendorp, for appellee.*

1 *Betty D. Montgomery, Attorney General, and Diane M. Meftah,*

2 Assistant Attorney General, for appellant.

3

---

4 *Per Curiam.* On authority of *State ex rel. Holman v. Longfellow*

5 *Restaurant.* (1996), \_\_\_\_ Ohio St.3d \_\_\_\_, \_\_\_\_ N.E.2d \_\_\_\_, the judgment

6 of the court of appeals is hereby reversed.

7

*Judgment reversed.*

8

MOYER, C.J., PFEIFER, COOK and STRATTON, JJ., concur.

9

DOUGLAS, J., dissents.

10

RESNICK and F.E. SWEENEY, JJ., dissent and would affirm the

11 judgment of the court of appeals.

12