

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

[Cite as *State ex rel. Neumann v. Indus. Comm.* (1998), \_\_\_ Ohio St.3d \_\_\_.]

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

(No. 96-2444 — Submitted July 15, 1998 — Decided September 16, 1998.)

APPEAL from the Court of Appeals for Franklin County, No. 95APD12-1648.

---

*Mitchell, Allen, Catalano & Boda Co., L.P.A., William A. Catalano and  
Richard A. Cline, for appellant.*

*Betty D. Montgomery, Attorney General, and Laurel Blum Mazorow,  
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 dissent and would affirm the court  
of appeals.

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