

[THE STATE EX REL.] SMITH, APPELLEE, v. INDUSTRIAL COMMISSION OF OHIO ET AL.,

APPELLANTS.

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

*Workers' compensation — Court of appeals' judgment reversed on authority of
State ex rel. Tapp v. Parsec, Inc.*

(No. 96-464 — Submitted August 19, 1998 — Decided September 9, 1998.)

APPEAL from the Court of Appeals for Franklin County, No. 95APD03-330.

White, Gatgey & Meyer Co., L.P.A., and Barbara F. Florez, for appellee.

Betty D. Montgomery, Attorney General, and *Steven P. Fixler*, Assistant
Attorney General, for appellants.

The judgment of the court of appeals is reversed on the authority of *State ex rel. Tapp v. Parsec, Inc.* (1998), 82 Ohio St.3d 417, 696 N.E.2d 591, and the cause is remanded to the court of appeals.

MOYER, C.J., DOUGLAS, RESNICK, F.E. SWEENEY, PFEIFER, COOK and
LUNDBERG STRATTON, JJ., concur.