

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

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

*Workers' compensation — Court of appeals' judgment reversed and cause returned for State ex rel. Noll relief.*

(No. 97-1844 — Submitted August 19, 1998 — Decided November 10, 1998.)

APPEAL from the Court of Appeals for Franklin County, No. 96APD09-1204.

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*Daniel D. Connor Co., L.P.A., Daniel D. Connor and Kenneth S. Hafenstein*, for appellant.

*Betty D. Montgomery*, Attorney General, and *Steve P. Dlott*, Assistant Attorney General, for appellee.

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The judgment of the court of appeals is reversed, and the cause is returned to the Industrial Commission for relief pursuant to *State ex rel. Noll v. Indus. Comm.* (1991), 57 Ohio St.3d 203, 567 N.E.2d 245.

DOUGLAS, RESNICK, F.E. SWEENEY and PFEIFER, JJ., concur.

MOYER, C.J., COOK and LUNDBERG STRATTON, JJ., dissent.

**LUNDBERG STRATTON, J., dissenting.** I would affirm the judgment of the court of appeals consistent with the opinion of the court of appeals.

MOYER, C.J., and COOK, J., concur in the foregoing dissenting opinion.