

THE STATE EX REL. BAUM, APPELLANT, v. INDUSTRIAL COMMISSION OF OHIO ET AL.,
APPELLEES.

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

*Workers' compensation – Court of appeals' judgment reversed and cause
returned for compliance with State ex rel. Noll.*

(No. 97-1098 – Submitted October 12, 1998 – Decided December 30, 1998.)

APPEAL from the Court of Appeals for Franklin County, No. 96APD05-666.

Brian & Brian and Richard F. Brian, for appellant.

Betty D. Montgomery, Attorney General, and *Cordelia A. Glenn*, Assistant
Attorney General, for appellee Industrial Commission.

Black, McCuskey, Souers & Arbaugh and Mary E. Randall, for appellee
Republic Engineered Steels, Inc.

The judgment of the court of appeals is reversed, and the cause is returned
to the Industrial Commission for further proceedings in compliance with *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 dissent and would affirm the court
of appeals.

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