

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

[Cite as *State ex rel. Fleischer v. Indus. Comm.* (1999), \_\_\_ Ohio St.3d \_\_\_\_.]

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

(No. 98-743 — Submitted October 12, 1998 — Decided February 24, 1999.)

APPEAL from the Court of Appeals for Franklin County, No. 97APD01-120.

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*Law Office of Thomas Tootle and Thomas Tootle*, for appellant.

*Betty D. Montgomery*, Attorney General, and *Jon D. Grandon*, Assistant  
Attorney General, for appellee.

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

MOYER, C.J., DOUGLAS, RESNICK and F.E. SWEENEY, JJ., concur.

PFEIFER, COOK and LUNDBERG STRATTON, JJ., dissent.

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**LUNDBERG STRATTON, J., dissenting.** I dissent and would affirm the  
judgment of the court of appeals.

PFEIFER and COOK, JJ., concur in the foregoing dissenting opinion.