

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *State ex rel. Natl. Employers Network Alliance, Inc. v. Ryan*, Slip Opinion No. 2010-Ohio-578.]

NOTICE

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SLIP OPINION NO. 2010-OHIO-578

**THE STATE EX REL. NATIONAL EMPLOYERS
NETWORK ALLIANCE, INC. v. RYAN, ADMR.**

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Workers' compensation — Availability of administrative appeal precludes relief by mandamus.

(No. 2009-1592 — Submitted January 12, 2010 — Decided February 24, 2010.)

IN MANDAMUS.

Per Curiam.

{¶ 1} Relator, National Employers Network Alliance, Inc., seeks a writ of mandamus from this court but admits that it did not pursue the administrative appeals available to it. Mandamus cannot issue when the relator has an adequate remedy at law. *State ex rel. Berger v. McMonagle* (1983), 6 Ohio St.3d 28, 6 OBR 50, 451 N.E.2d 225. An administrative appeal generally constitutes an adequate remedy in the ordinary course of law that precludes a writ of mandamus.

SUPREME COURT OF OHIO

State ex rel. Hilltop Basic Resources, Inc. v. Cincinnati, 118 Ohio St.3d 131, 2008-Ohio-1966, 886 N.E.2d 839, ¶ 23.

{¶ 2} We hereby grant respondent administrator's motion for judgment on the pleadings and deny relator's request for a writ of mandamus. Relator's motion to strike is not well taken and is overruled.

Writ denied.

MOYER, C.J., and PFEIFER, LUNDBERG STRATTON, O'CONNOR, O'DONNELL, LANZINGER, and CUPP, JJ., concur.

Kegler, Brown, Hill & Ritter, Roger P. Sugarman, David M. McCarty, and R. Kevin Kerns, for relator.

Richard Cordray, Attorney General, and Gerald H. Waterman, Assistant Attorney General, for respondent.
