

1 McCLOSKY, APPELLANT, V. REGAL MINING, INC.; ADMINISTRATOR, BUREAU OF
2 WORKERS' COMPENSATION, ET AL., APPELLEES.

3 [THE STATE EX REL.]TARR V. ADMINISTRATOR, BUREAU OF WORKERS'
4 COMPENSATION, ET AL.

5 [Cite as *McClosky v. Regal Mining, Inc.* (1997), ___ Ohio St.3d ____.]

6 *Workers' compensation -- R.C. 4123.512 -- Appeal to court of common*

7 *pleas -- Decision of Industrial Commission to deny compensation for*

8 *additional condition requested subsequent to initial allowance of the*

9 *claim is an appealable decision.*

10 (Nos. 95-2635 and 96-304 -- Submitted March 4, 1997 -- Decided
11 April 16, 1997.)

12 APPEAL from the Court of Appeals for Carroll County, No. 650.

13 IN MANDAMUS.

14 _____

15 *Cross & Rose Co., L.P.A., and Richard S. Dodson, Jr., for appellant*

16 in case No. 95-2635.

17 *Betty D. Montgomery, Attorney General, Simon B. Karas, Deputy*

18 Chief Counsel, and *William A. Thorman III, Assistant Attorney General, for*

1 appellees Administrator, Bureau of Workers' Compensation, and Industrial
2 Commission of Ohio in case No. 95-2635.

3 *Joseph R. Compoli, Jr., and Mark S. Telich*, for relator in case No.
4 96-304.

5 *Betty D. Montgomery*, Attorney General, and *Gerald H. Waterman*,
6 Assistant Attorney General, for respondents in case No. 96-304.

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8 The judgment of the court of appeals in case No. 95-2635 is reversed
9 and the cause is remanded to the trial court for further proceedings on the
10 authority of *Afrates v. Lorain* (1992), 63 Ohio St.3d 22, 584 N.E.2d 1175.

11 The complaint in mandamus in case No. 96-304 is dismissed
12 because relator has an adequate legal remedy from the Industrial
13 Commission's order by way of appeal to the court of common pleas. R.C.
14 4123.512; *Afrates v. Lorain*.

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