

05/21/97

## SUPREME COURT OF OHIO

COLUMBUS

## ANNOUNCEMENT

9:00 A.M.

WEDNESDAY  
May 21, 1997

## RECONSIDERATION DOCKET

94-2728. State ex rel. Burows v. Indus. Comm.  
Franklin App. No. 93APD11-1511. Reported at 78 Ohio St.3d 78,  
676 N.E.2d 519. On joint motion for reconsideration. Motion  
granted.

The opinion in State ex rel. Burrows v. Indus. Comm.  
(1997), 78 Ohio St.3d 78, 676 N.E.2d 519, decided March 26, 1997,  
is corrected to read as follows:

The penultimate sentence of the last paragraph on page  
79, 676 N.E.2d at 521, shall read:

"Per Curiam. \*\*\* For the reasons that follow, we hold  
that R.C. 4123.57(A) imposes the forty-week waiting period for  
TTD paid specifically pursuant to R.C. 4123.56, notwithstanding  
that claimants cannot be paid living maintenance wage loss  
compensation and R.C. 4123.57(A) PPD at the same time."

In the sentence above, the word "only" is deleted after  
the word "period."

The last paragraph on page 82, 676 N.E.2d at 522, shall  
read:

"Having found that R.C. 4123.57(A) imposes the forty-  
week waiting period for TTD paid specifically pursuant to R.C.  
4123.56, notwithstanding that claimants cannot be paid living  
maintenance wage loss compensation and R.C. 4123.57(A) PPD at the  
same time, we affirm the judgment of the court of appeals that  
grants a writ of mandamus to compel the commission's further  
consideration of Burrows's PPD application."

In the paragraph above, the word "only" is deleted  
after the word "period."

Finally, the headnotes to the opinion at page 78 are  
corrected by deleting the word "only."

The above changes shall be made to bound volume 78 Ohio

St.3d.

concur. Moyer, C.J., Pfeifer, Cook and Lundberg Stratton, JJ.,  
Douglas, Resnick and F.E. Sweeney, JJ., dissent.