

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

DAVID ROQUET,

Claimant,

vs.

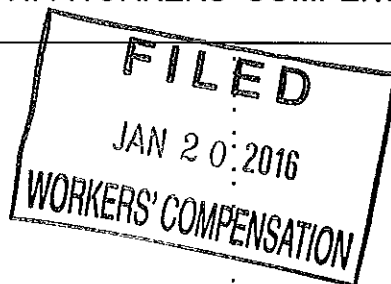
RINK MANAGEMENT SERVICES,

Employer,

and

TECHNOLOGY INSURANCE
COMPANY,

Insurance Carrier,
Defendants.



File No. 5049538

ORDER NUNC PRO TUNC


On January 15, 2016, the defendants filed a motion for nunc pro tunc as it pertains to the order language regarding the percent of disability. In the body of the decision, on page 8, the undersigned determined the claimant had sustained a 15 percent body as a whole impairment due to his lack of range of motion and the firefighting jobs currently foreclosed him because of that. In the order section the defendants were ordered to pay 100 weeks which is 20 percent rather than 15 percent.

The phrase, "nunc pro tunc" means "now for then." See: Black's Law Dictionary, page 1218 (Revised 4th Edition 1968). The definition in Black's Law Dictionary further provides: "A phrase applied to acts allowed to be done after the time when they should be done, with a retroactive effect, i.e. with the same effect as if regularly done." Black's at 1218. A nunc pro tunc order "is not for the purpose of correcting judicial thinking, a judicial conclusion, or a mistake of law." Headley v. Headley, 172 N.W.2d 104, 108 (Iowa 1969). The nunc pro tunc order can be employed to correct obvious errors or to make an order conform to the judge's original intent. Graber v. District Court for Washington City, 410 N.W.2d 224, 229 (Iowa 1987). Brinson v. Spee Dee Delivery Service, No. 8-754/06-2074 (Iowa App. November 13, 2008).

A clerical error was made on the order page. Therefore it is ordered the defendant's motion for nunc pro tunc is granted and that the order section shall be modified to read as follows:

That defendants are to pay unto claimant seventy-five (75) weeks of permanent partial disability benefits at the rate of five hundred eighty and 70/100 dollars (\$580.70) per week from July 18, 2015.

Signed and filed this 30th day of January, 2016.


JENNIFER S. GERRISH-LAMPE
DEPUTY WORKERS'
COMPENSATION COMMISSIONER

Copies to:

Nathaniel R. Boulton
Attorney at Law
100 Court Ave., Ste. 425
Des Moines, IA 50309-1307
nboulton@hedberglaw.com

Andrew T. Tice
Attorney at Law
100 Court Ave., Ste. 600
Des Moines, IA 50309-2346
atice@ahlerslaw.com

JGL/kjw