## BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

DONALD MURPHY, JR.,

:

Claimant,

:

VS.

File No. 5066421

THIELEN TRUCKING, LC,

ORDER

Employer,

NUNC PRO TUNC

and

:

AUTO-OWNERS INSURANCE,

:

Insurance Carrier, Defendants.

Deferidants.

On December 31, 2019, the undersigned filed an arbitration decision in this case. On January 7, 2020, the parties notified me via email that in my decision I sometimes referred to Dr. Sassman when I should have been referring to Dr. Stoken. It is clear I made a scrivener's error in the body of the decision that can and should be corrected by an order nunc pro tunc.

The phrase, "nunc pro tunc" means "now for then." See Black's Law Dictionary, p. 1218 (Revised 4th Edition 1968). The definition 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." Id. 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 Serv., 760 N.W.2d 208 (Iowa Ct. App. 2008) (table).

I intended to refer to Dr. Stoken instead of Dr. Sassman in arbitration decision. I therefore conclude an order nunc pro tunc should be issued to correct the scrivener's errors in the arbitration decision.

## THEREFORE, IT IS ORDERED:

The second and third full paragraphs on page 5 of the arbitration decision are amended to refer to Dr. Stoken instead of Dr. Sassman.

The first full paragraph on page 10 of the arbitration decision is amended to refer to Dr. Stoken instead of Dr. Sassman.

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The fourth, fifth, and sixth full paragraphs of page 11 of the arbitration decision are amended to refer to Dr. Stoken instead of Dr. Sassman.

Signed and filed this \_\_\_\_9<sup>th</sup> day of January, 2020.

STEPHANIE U. COPLE V DEPUTY WORKERS' COMPENSATION COMMISSIONER

The parties have been served, as follows:

Robert McKinney (via WCES)

Kent Smith (via WCES)