

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

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| <p>JACOB M. WINSOR, Claimant,</p> <p>vs.</p> <p>FAREWAY STORES, INC., Employer,</p> <p>and</p> <p>NATIONWIDE AGRIBUSINESS INSURANCE COMPANY, Insurance Carrier, Defendants.</p> | <p>WCC NO.: 5058009 COMPLIANCE NO.: 1614651 DOI: 3/04/16</p> <p>FILED JAN 31 2019 WORKERS COMPENSATION</p> <p>MOTION FOR ORDER NUNC PRO TUNC REGARDING WEEKLY RATE IN ORDER SECTION OF ARBITRATION DECISION</p> |
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COMES NOW, Defendants, Fareway Stores, Inc., Employer, and Nationwide Agribusiness Insurance Company, Insurance Carrier, and for their Motion for Order Nunc Pro Tunc, state:

1. The above-referenced matter went to Hearing on November 30, 2017, before Deputy Commissioner Erica J. Finch.
2. The parties filed a Hearing Report at the commencement of the Hearing and agreed to various stipulations.
3. One of the stipulations was the appropriate weekly workers' compensation rate for Claimant.
4. The parties stipulated to a weekly rate of four hundred sixty-nine dollars and 21/100 (\$469.21).
5. The matter was considered fully submitted on January 19, 2018.
6. The Arbitration Decision in this matter was filed on January 15, 2019.
7. In the Arbitration Decision, the stipulated weekly rate of four hundred sixty-nine dollars and 21/100 (\$469.21) is referenced on page 12 in the Conclusions of Law portion of the Arbitration Decision.

8. However, in the Order portion of the Arbitration Decision, on page 15, the Defendants are ordered to pay the permanent partial disability award at a weekly rate of six hundred eighty-eight dollars and 08/100 (\$688.08).

9. The Parties are in agreement that the weekly rate in the Order section of the Arbitration Decision was likely a typographical error, and that the correct, stipulated weekly rate is four hundred sixty-nine dollars and 21/100 (\$469.21).

10. The Claimant has consented to this Motion, and agrees that an Order Nunc Pro Tunc is appropriate for correcting the weekly rate in the Order portion of the Arbitration Decision (page 15, paragraph 2), to four hundred sixty-nine dollars and 21/100 (\$469.21).

WHEREFORE, Defendants pray for an Order Nunc Pro Tunc correcting the weekly rate in paragraph 2 of Page 15 of the Arbitration Decision from six hundred eighty-eight dollars and 08/100 (\$688.08) to four hundred sixty-nine dollars and 21/100 (\$469.21).

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**FILED.
E-MAILED TO:**

Honorable Deputy Erica Fitch
Iowa Workers' Compensation

Bruce Gettman
415 Clay Street
Cedar Falls, IA 50613
ATTORNEY FOR CLAIMANT

SUSTAINED

The typographical error shall be corrected as requested.

January 31st 2019
Erica Fitch
DEPUTY WORKERS' COMPENSATION COMMISSIONER

PROOF OF SERVICE

The undersigned certifies that the foregoing instrument was served upon all parties of the above cause and to each of the attorneys of record herein on 1/29/19 via e-mail.

Signature: *s/Brooks Trumble*