

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

MERIM RAKANOVIC,

Claimant,

vs.

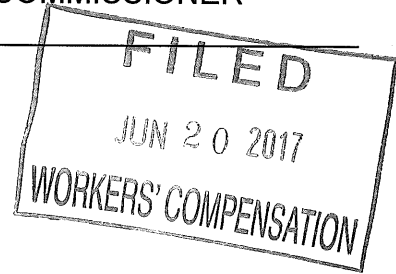
TYSON FOODS, INC.,

Employer,
Self-Insured,

and

SECOND INJURY FUND OF IOWA,

Defendants.



File Nos. 5055533, 5055534

ORDER NUNC PRO TUNC

On May 24, 2017, the undersigned issued an arbitration decision awarding 19 percent impairment of compensation for a right lower extremity injury or 41.8 weeks of benefits along with permanent and total disability benefits under the Second Injury Act of Iowa. In the order section, the defendant employer was ordered to pay 95 weeks of permanent partial disability benefits.

On May 30, 2017, defendant employer filed an Application for Nunc Pro Tunc to rectify the error in the order section.

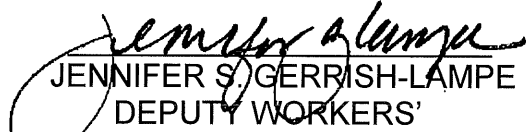
The phrase, "nunc pro tunc" means "now for then." See: Black's Law Dictionary, page 1218 (Revised 4th Edition 1968). The definition in Black's Law Dictionary further provides: "A phrase applied to acts allowed to be done after the time when they should be done, with a retroactive effect, i.e. with the 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. Dist. Court for Washington Cty., 410 N.W.2d 224, 229 (Iowa 1987). Brinson v. Spee Dee Delivery Service, No. 8-754/06-2074 (Iowa App. November 13, 2008).

THEREFORE IT IS ORDERED a nunc pro tunc order is issued to modify the previously filed arbitration decision to read:

File No. 5055533

That defendant, Tyson Foods, is to pay claimant forty-one point eight (41.8) weeks of permanent partial disability benefits at the rate of four hundred fifty-eight and 85/100 dollars (\$458.85) per week from August 20, 2015.

Signed and filed this 20th day of June, 2017.


JENNIFER S. GERRISH-LAMPE
DEPUTY WORKERS'
COMPENSATION COMMISSIONER

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JGL/kjw