

## BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

STACY REICHERT,

Claimant,

vs.

JOHN DEERE WATERLOO WORKS,

Employer,  
Self-Insured,

and

SECOND INJURY FUND OF IOWA,

Defendants.

File No. 21700341.01

ORDER NUNC PRO TUNC

FOR ORDER NUNC PRO TUNC, the undersigned states:

The attorney for defendant-employer John Deere Waterloo Works advises there is a scrivener's error in the second paragraph of the Order which appears on page eight of the appeal decision filed in this matter on April 19, 2023. That paragraph currently reads as follows:

Claimant is entitled to receive 10 weeks of permanent partial disability benefits from defendant-employer, at the weekly rate of seven hundred thirty-six and 86/100 dollars (\$736.86), commencing on December 30, 2019.

The undersigned actually intended that paragraph to read as follows:

Claimant is entitled to receive five weeks of permanent partial disability benefits from defendant-employer, at the weekly rate of seven hundred thirty-six and 86/100 dollars (\$736.86), commencing on December 30, 2019.

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).

In this instance, my intent was to state in the second paragraph of the Order of the Appeal Decision the appropriate number of weeks of permanent partial disability benefits claimant is to receive from defendant-employer. It is therefore appropriate to correct my scrivener's error in that paragraph.

ORDER

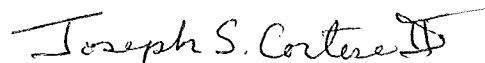
IT IS THEREFORE ORDERED:

The second paragraph of the Order which appears on page eight of the appeal decision filed in this matter on April 19, 2023, is amended to read:

Claimant is entitled to receive five weeks of permanent partial disability benefits from defendant-employer, at the weekly rate of seven hundred thirty-six and 86/100 dollars (\$736.86), commencing on December 30, 2019

There are no other changes to the appeal decision filed in this matter on April 19, 2023.

Signed and filed on this 25<sup>th</sup> day of April, 2023.



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JOSEPH S. CORTESE II  
WORKERS' COMPENSATION  
COMMISSIONER

The parties have been served as follows:

Benjamin Roth (via WCES)

Coreen Sweeney (via WCES)

Meredith Cooney (via WCES)