

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

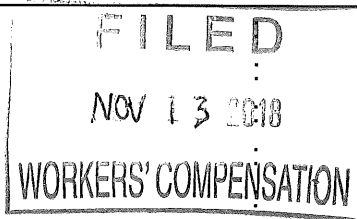
DAVID GLAUSSER,

Claimant,

vs.

SECOND INJURY FUND OF IOWA,

Defendant.



File No. 5065874

ORDER NUNC PRO TUNC

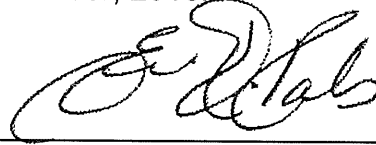
On October 23, 2018, the undersigned issued an arbitration decision in this matter. In that decision I found that Mr. Glausser sustained a 45 percent loss of earning capacity which would entitle him to 225 weeks of permanent partial disability benefits. However, on page 8 of the decision I erroneously stated that Mr. Glausser was entitled to 250 weeks of permanent partial disability benefits. Additionally, the erroneously stated 250 weeks affected the calculation of the Second Injury Fund's (SIF) credit. When the calculations are performed using the correct 225 weeks, the SIF is entitled to a credit of 83.6 weeks, rather than 101.2 weeks. Thus, 225 weeks less the 83.6 weeks of credit results in 141.4 weeks of benefits to be paid.

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. 11/13/2008) (Iowa App., 2008).

Wherefore, the motion for nunc pro tunc is granted. The arbitration decision dated October 23, 2018 is hereby amended to state that Mr. Glausser is entitled to 225 weeks of permanent partial disability benefits before applying any credit; the SIF is

entitled to a total credit of 83.6 weeks against such award; and the SIF shall pay 141.4 weeks of permanent partial disability benefits at the stipulated rate.

Signed and filed this 13<sup>th</sup> day of November, 2018.



ERIN Q. PALS  
DEPUTY WORKERS'  
COMPENSATION COMMISSIONER

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EQP/sam