BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

JOHN WILTON GRIM,

Claimant,

VS.

DEXTER LAUNDRY,

DEXTER EXCREPT.

Employer, Self-Insured, Defendant. File No. 5066443

ORDER NUNC PRO TUNC

On January 22, 2020, claimant filed a motion for Nunc Pro Tunc. There is no resistance on file. Based on the errors in the original arbitration decision, the Nunc Pro Tunc is granted.

In the Hearing Report, the arbitration decision inaccurately stated that the temporary disability entitled was no longer in dispute. Instead, the parties had agreed that if the defendants were liable for the alleged injury, the claimant would be entitled to healing period benefits from March 5, 2018, to December 16, 2018. The parties also agreed defendants would get a \$4,500 credit toward this healing period. Further, they agreed the commencement date for permanent partial disability would be December 17, 2018.

The hearing report stipulated that the weekly rate is \$731.48 as stated in the stipulations but was erroneously identified as \$546.78 per week in the order section.

The hearing decision shall be modified to read as follows:

STIPULATIONS

The parties agree claimant sustained an injury arising out of and in the course of his employment on January 26, 2017. They agree that if the defendants were liable for the alleged injury, the claimant would be entitled to healing period benefits from March 5, 2018, to December 16, 2018. The parties also agreed defendants would get a \$4,500 credit toward this healing period. Further, they agreed the commencement date for permanent partial disability would be December 17, 2018.

The parties disagree as to the nature and extent of the injury but agree that the commencement date for permanent partial disability benefits, if

any are awarded, would be December 17, 2018. At the time of the injury, claimant was married and entitled to two exemptions. His gross earnings were \$1,171.80. Based on those numbers the weekly benefit rate is \$731.48.

The parties filed a hearing report at the commencement of the arbitration hearing. On the hearing report, the parties entered into various stipulations. All of those stipulations were accepted and are hereby incorporated into this arbitration decision and no factual or legal issues relative to the parties' stipulations will be raised or discussed in this decision. The parties are now bound by their stipulations.

ORDER

That defendants are to pay unto claimant one hundred forty (140) weeks of permanent partial disability benefits at the rate of seven hundred thirty-one and 48/100 dollars (\$731.48) per week from December 17, 2018.

That the defendants shall pay healing period benefits from March 5, 2081, to December 16, 2018, less credit of four thousand five hundred and no/100 dollars (\$4,500.00) for disability benefits paid under lowa Code section 85.38(2).

THEREFORE IT IS ORDERED that the Nunc Pro Tunc is granted and the arbitration decision shall be revised as stated above.

Signed and filed this __7th ___ day of February, 2020.

JENNIFER S. GERRISH-LAMPE DEPUTY WORKERS'

COMPENSATION COMMISSIONER

The parties have been served, as follows:

Nicholas Pothitakis (via WCES)

Jason Wiltfang (via WCES)