

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

MARC ZORZI,

Claimant,

vs.

OSAGE EGG, COMPANY,

Employer,
Defendant.

File No. 20700500.02

ORDER FOR

NUNC PRO TUNC

On October 5, 2021, the undersigned issued an arbitration decision in this matter. The parties have filed a joint motion for order of nunc pro tunc correcting the name of the defendant employer. The motion is considered.

The undersigned listed the defendant employer as "Osage River City Egg Company" in the caption and throughout the body of the Arbitration Decision. Claimant pled the case naming the defendant employer as "Osage Egg, Company." The Court docket contained on the WCES eFile system of the Iowa Division of Workers' Compensation lists the defendant employer in this case as "Osage Egg, Company." The change in the name of the defendant employer was a scrivener's error. The caption and the body of the October 5, 2021 Arbitration Decision is hereby changed from "Osage River City Egg Company" to "Osage Egg, Company."

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 joint motion is granted.

The arbitration decision dated October 5, 2021 is hereby amended to change the defendant employer from "Osage River City Egg Company" to "Osage Egg, Company" in the caption and throughout the body of the decision.

Signed and filed this 23RD day of August, 2023.

A handwritten signature in black ink, appearing to read 'E. Pals', is written over a horizontal line.

ERIN Q. PALS
DEPUTY WORKERS'
COMPENSATION COMMISSIONER

The parties have been served, as follows:

James Fitzsimmons (via WCES)

David Scieszinski (via WCES)