

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

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DALE TILL,

Claimant,

vs.

WINDSTAR LINES, INC.,

Employer,

and

NATIONAL INTERSTATE INS. CO.,

Insurance Carrier,  
Defendants.

File No. 5067027

ORDER NUNC PRO TUNC

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On July 10, 2020, the undersigned issued an arbitration decision in this matter. Claimant has filed a motion for an Order Nunc Pro Tunc. Claimant's motion has merit.


In the body of the arbitration decision the undersigned found that claimant sustained 30 percent industrial disability, which equates to 150 weeks of permanent partial disability benefits. However, in the order portion of the decision the undersigned erroneously stated that the defendants should pay claimant 30 weeks of permanent partial disability benefits.

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., 2008).

The order which states defendants shall pay claimant 30 weeks of permanent partial disability benefits is obviously an error and does not conform to my original intent. My original intent was that defendants were to be ordered to pay 150 weeks of permanent partial disability benefits.

Wherefore, claimant's motion for order nunc pro tunc is granted. The arbitration decision dated July 10, 2020 is hereby amended to state "Defendants shall pay one hundred fifty (150) weeks of permanent partial disability benefits commencing on September 25, 2019."

Signed and filed this 21<sup>st</sup> day of July, 2020.

  
ERIN Q. PALS  
DEPUTY WORKERS'  
COMPENSATION COMMISSIONER

The parties have been served, as follows:

Gary Nelson (via WCES)

Casey Steadman (via WCES)

Kalli Gludemans (via WCES)

Abigail Wenninghoff (via WCES)