

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

JODIE CRAIG,
Claimant,

File No. 5066857.01

vs.

ORDER NUNC PRO TUNC

UNITYPOINT HEALTH-DES MOINES,
Employer,
Self-Insured,
Defendant.

On August 20, 2021, the undersigned filed an arbitration decision in this case. On August 23, 2021, the parties notified the undersigned via email that the Order contained an error.

I found claimant sustained a 10 percent industrial disability entitling him to 50 weeks of permanent partial disability (PPD) benefits. However, the Order mistakenly provides as follows: "Defendant shall pay claimant ten (10) weeks of permanent partial disability benefits." This was a scrivener's error.

The phrase, "nunc pro tunc" means "now for then." See Black's Law Dictionary, p. 1218 (Revised 4th Edition 1968). The definition 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." Id. 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 Serv., 760 N.W.2d 208 (Iowa Ct. App. 2008) (table).

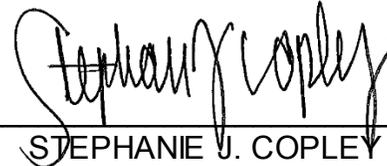
I intended the Order to reflect claimant's entitlement to 50 weeks of PPD benefits. I therefore conclude an order nunc pro tunc should be issued to correct the scrivener's error in the Order of the arbitration decision.

THEREFORE, IT IS ORDERED:

The first sentence of the Order is amended to state:

Defendant shall pay claimant fifty (50) weeks of permanent partial disability benefits commencing on March 6, 2018, at the rate of nine hundred twenty-three and 13/100 dollars (\$923.13) per week.

Signed and filed this 24th day of August, 2021.



STEPHANIE J. COPLEY
DEPUTY WORKERS'
COMPENSATION COMMISSIONER

The parties have been served, as follows:

Gary Mattson (via WCES)

Jennifer Clendenin (via WCES)