

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

RICHARD JURRIES,

Claimant,

vs.

TYSON FRESH MEATS, INC.,

Employer,
Self-Insured,
Defendant.

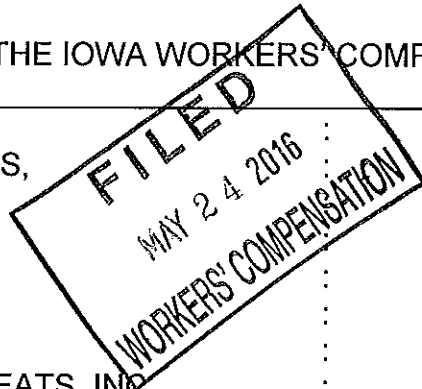
File Nos. 5048758, 5048759

RULING ON MOTION FOR

NUNC PRO TUNC

AND

RULING ON MOTION FOR REHEARING



An arbitration hearing was issued in this case on May 11, 2016.

On May 19, 2016 claimant filed a motion for a nun pro tunc order and a motion for rehearing. The motion was timely.

MOTION FOR NUNC PRO TUNC

Exhibit 17 was excluded from the hearing exhibits as not being timely disclosed. The undersigned reviewed the exhibit and evaluated the exhibit in the decision. That was an inadvertent error, as the exhibit was excluded and should not have been referred to in the decision.

Claimant's motion for nunc pro tunc is granted. All references to the contents of Exhibit 17 are stricken from the decision.

MOTION FOR REHEARING

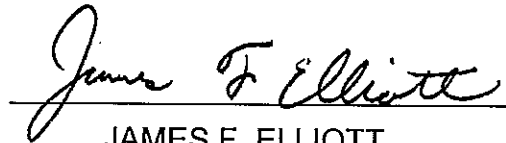
Claimant requests clarification as to whether the awards were to run concurrently or consecutively. In File No. 5048758 I awarded 25 percent industrial loss. In File No. 5048759 I awarded a 35 percent industrial loss. I also provided a credit to the defendants for the benefits paid in File No. 5048758. Commencement date for both files is January 15, 2015.

While I believe that the decision was clear, I confirm that payment of benefits is to be concurrent. As the parties stipulated the commencement date for an award was January 15, 2015, both awards start on that date and run concurrently.

IT IS THEREFORE ORDERED:

The motion for nunc pro tunc and motion for rehearing are granted as detailed above.

Signed and filed this 24th day of May, 2016.



JAMES F. ELLIOTT
DEPUTY WORKERS'
COMPENSATION COMMISSIONER

Copies to:

Emily Anderson
Attorney at Law
425 – 2nd St. SE, Ste. 1140
Cedar Rapids, IA 52401
eanderson@fightingforfairness.com

Chris J. Scheldrup
Jason P. Wiltfang
Attorneys at Law
PO Box 36
Cedar Rapids, IA 52406-0036
cscheldrup@scheldruplaw.com
jwiltfang@scheldruplaw.com

JFE/sam