

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

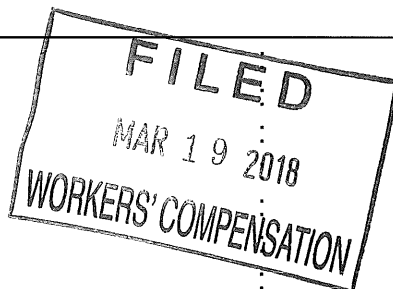
ZAJIM BAJRAMOVIC,

Claimant,

vs.

JOHNSTON COMMUNITY SCHOOL
DISTRICT,

Employer,
Self-Insured,
Defendant.



File No. 5063121

ORDER NUNC PRO TUNC

On March 8, 2015, claimant filed an Application for an Order Nunc Pro Tunc to correct alleged errors in the January 29, 2018, arbitration decision.

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. November 13, 2008).


The claimant takes issue with how a long term disability credit is being applied. Defendants resist, arguing claimant's motion for Nunc Pro Tunc is untimely and essentially seeks to avoid the credit application.

Claimant argues that he stipulated to a credit but that the time in which the credit should be applied was "only for those benefits accruing after the initiation date of long term disability benefits. Since the benefits awarded in the decision accrued before the initiation date of long term disability benefits, those benefits should not be subject to offset by disability benefits that were not payable until September 28, 2017."

Claimant is not asking for a mere correction of a scrivener's error but a reversal or amendment of the application of law as it relates to credit application. If claimant believes the deputy applied the wrong legal standard, the correct avenue for a reversal of error is through a post-hearing motion or appeal.

THEREFORE IT IS ORDERED, claimant's motion for Nunc Pro Tunc is denied.

Signed and filed this 19th day of March, 2018.


JENNIFER S. GERRISH-LAMPE
DEPUTY WORKERS'
COMPENSATION COMMISSIONER

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