

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

JAIME BARCENAS,

Claimant,

vs.

SIVYER STEEL CORPORATION,

Employer,

and

STARR INDEMNITY AND
LIABILITY CO.,

Insurance Carrier,
Defendants.

FILED

FEB 01 2018

WORKERS COMPENSATION

File No. 5055957

ORDER

NUNC PRO TUNC

On February 1, 2018, I issued an arbitration decision. A scrivener's error was made in the Order section of the decision.

The decision incorrectly said the claimant's weekly rate was "four hundred sixty-four and 74/100 dollars" and the put the correct rate numerically "(\$460.74)." The parties stipulated to the rate of \$460.74 and it is the correct amount based upon the rate book in effect at the time of the injury.

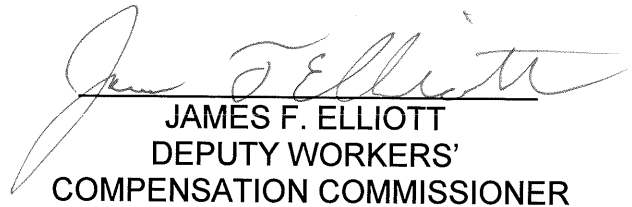
The phrase, "nunc pro tunc" means "now for then." See: Black's Law Dictionary, page 1218 (Revised 4th Edition 1968). The definition in Black's Law Dictionary further provides: "A phrase applied to acts allowed to be done after the time when they should be done, with a retroactive effect, i.e. with the 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) (Iowa App., 2008).

The first paragraph of the Order section is amended to read,

Defendants shall pay claimant twenty-five (25) weeks of permanent partial disability at the weekly rate of four hundred sixty and 74/100 dollars (\$460.74) commencing February 23, 2016.

SO ORDERED.

Signed and filed this 1st day of February, 2018.



JAMES F. ELLIOTT
DEPUTY WORKERS'
COMPENSATION COMMISSIONER

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