

BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

JESSICA HEYER,

Claimant,

vs.

IOWA STATE UNIVERSITY,

STATE OF IOWA,

Self-Insured,  
Employer,  
Defendant.

**FILED**

FEB 28 2019

File No. 5058992

WORKERS COMPENSATION

ORDER NUNC PRO TUNC

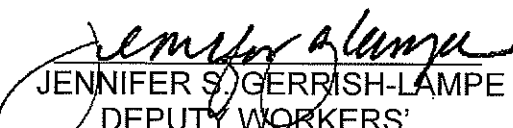
On February 20, 2019, defendants filed an Application for an Order Nunc Pro Tunc to correct errors in the February 8, 2019, arbitration decision.

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 defendant points out that the claimant was awarded a 27 percent impairment of the right lower extremity. On page 16 of the decision, it was indicated that claimant was owed 67.5 weeks. Twenty-seven (27) percent of 220 weeks is 59.4 weeks.

Wherefore, the arbitration decision dated September 16, 2016, is hereby amended to reflect that claimant is owed fifty-nine point four (59.4) weeks of compensation at the rate of four hundred thirty-seven and 24/100 dollars (\$437.24) per week.

Signed and filed this 28<sup>th</sup> day of February, 2019.

  
JENNIFER S. GERRISH-LAMPE  
DEPUTY WORKERS'  
COMPENSATION COMMISSIONER

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JGL/kjw