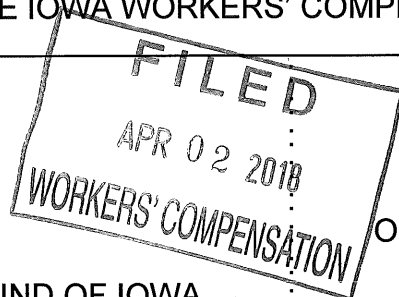


BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

TONY MACK,  
Claimant,

vs.

SECOND INJURY FUND OF IOWA,  
Employer,  
Defendant.



File No. 5052951

ORDER NUNC PRO TUNC

On March 20, 2018, claimant filed an Application for an Order Nunc Pro Tunc to correct errors in the March 15, 2018, arbitration decision.

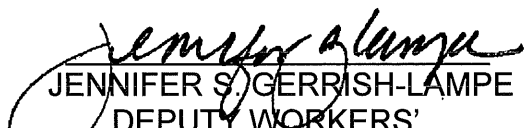
The phrase, "nunc pro tunc" means "now for then." See: Black's Law Dictionary, page 1218 (Revised 4th Edition 1968). The definition in Black's Law Dictionary further provides: "A phrase applied to acts allowed to be done after the time when they should be done, with a retroactive effect, i.e. with the 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 points out that the order section incorrectly states the claimant's wage rate which was found to be \$1,250.64 but was ordered to be \$338.02.

Wherefore, the arbitration decision dated March 15, 2018, is hereby amended as follows:

That defendant is to pay unto claimant permanent total disability benefits at a rate of one thousand two hundred fifty and 64/100 dollars (\$1,250.64) commencing November 27, 2015, and continuing during the period of permanent total disability.

Signed and filed this 2nd day of April, 2018.

  
JENNIFER S. GERRISH-LAMPE  
DEPUTY WORKERS'  
COMPENSATION COMMISSIONER

MACK V. SECOND INJURY FUND OF IOWA  
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JGL/kjw