

## BEFORE THE IOWA WORKERS' COMPENSATION COMMISSIONER

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 TONY PAZZI,

Claimant,

vs.

EFCO/CPI,

Employer,

and

TRAVELERS INDEMNITY CO. OF CT.

Insurance Carrier,  
Defendants.

File No. 5053306.01

ORDER NUNC PRO TUNC

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 TONY PAZZI,

Claimant,

vs.

EFCO/CPI,

Employer,

and

SENTRY INSURANCE MUTUAL  
COMPANY,Insurance Carrier,  
Defendants.

File No. 5063852.01

ORDER NUNC PRO TUNC

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On November 3, 2021, the undersigned filed an appeal decision in this case. The Iowa Workers' Compensation Commissioner delegated his authority to me to enter a final agency decision in this matter, but I neglected to include a statement of delegation in the decision. As such, I made a scrivener's error in the body of the decision that can and should be corrected by an order nunc pro tunc.

The phrase, “nunc pro tunc” means “now for then.” See Black’s Law Dictionary, p. 1218 (Revised 4th Edition 1968). The definition 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.” Id. 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. District Court for Washington City, 410 N.W.2d 224, 229 (Iowa 1987); Brinson v. Spee Dee Delivery Serv., 760 N.W.2d 208 (Iowa Ct. App. 2008) (table).

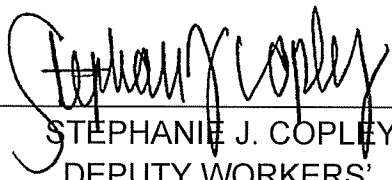
I intended to include a statement of delegation in the decision. I therefore conclude an order nunc pro tunc should be issued to correct my scrivener’s error.

THEREFORE, IT IS ORDERED:

The appeal decision is amended to include, after the first paragraph, the following statement of delegation.

On October 22, 2021, the Iowa Workers’ Compensation Commissioner delegated authority to the undersigned to enter a final agency decision in this matter. Therefore, this appeal decision is entered as final agency action pursuant to Iowa Code section 17A.15(3) and Iowa Code section 86.24.

Signed and filed this 4<sup>th</sup> day of November, 2021.

  
STEPHANIE J. COPLEY  
DEPUTY WORKERS’  
COMPENSATION COMMISSIONER

The parties have been served, as follows:

Nick Platt (via WCES)  
William Scherle (via WCES)  
Michael Roling (via WCES)