

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

SCOTT L. PROBST,	: Domestic Relations
Petitioner	: Exceptions
	:
vs.	:
	:
JOAN L. BODEWES,	:
Respondent	: No. 85-21,415

OPINION AND ORDER

Before the Court are Respondent's exceptions to the Family Court Order of June 3, 1999 in which Respondent was directed to pay child support for the minor child residing with Petitioner. It appears that the parties' other child resides with Respondent but that child has become emancipated. Argument on the exceptions was held August 11, 1999.

Respondent contends the Master erred in assessing her with an earning capacity of \$7.50 per hour based upon previous employment when her current employment pays only \$7.00 per hour. Respondent indicates, and Petitioner does not disagree, that at the hearing before the Family Court Officer Respondent testified that she changed jobs because her daughter came to live with her and she wanted to be at home with her at night. Her previous employment was as a bartender. Petitioner indicates that this should not matter as the child was age 18 and no longer in school. The Court finds that Respondent had a legitimate reason for changing employment and did not do so to avoid her support obligation. Her income will therefore be recalculated.

At \$7.00 per hour, working 40 hours per week, Respondent has a weekly gross

income of \$280.00, providing her with an annual gross income of \$14,560.00. According to her 1998 Federal Income Tax return, she takes the standard deduction for a single person and one exemption, providing her with a taxable income of \$7,610.00. Her Federal taxes are therefore calculated at \$1,144.00. Social security and medicare taxes are calculated at \$1,113.00, and it appears from her pay stubs that she pays approximately 3% State tax, or \$437.00. She therefore has an annual net income of \$11,866.00 or \$989.00 per month.¹ As the Master assessed Respondent with a monthly net income of \$993.00, even granting Respondent's exception provides only a de minimis reduction and therefore the Order currently in effect will not be modified with respect to the amount of the child support payment.

Respondent also contends the Hearing Officer erred in requiring her to pay \$209.00 per month toward her arrearage. As the arrearages are over \$23,000.00, even considering Respondent's argument that most of this is a result of a three year retroactive increase, the arrearage payment is appropriate. This exception will therefore be denied.

Finally, Respondent contends the Hearing Officer misstated the base amount of child support for one child. The Order indeed does contain two typographical errors in the paragraph setting forth the calculation. The final figure is correct, however.

¹ It is noted that the Family Court Officer found a monthly net income of \$993.00 per month. Apparently, the very slight reduction even considering the \$.50 per hour reduction is a result of the Master's overestimation of Respondent's tax liability.

ORDER

AND NOW, this day of August, 1999, for the foregoing reasons, Respondent's exceptions are hereby denied and the Family Court Order of June 3, 1999, is hereby affirmed.

By the Court,

Dudley N. Anderson, Judge

cc: Family Court
Domestic Relations, (Barbra Hall)
Patricia Bowman, Esq.
Scott Probst, 110 Edgewood Avenue, S. Williamsport PA 17702
Gary Weber, Esq.
Hon. Dudley N. Anderson