

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

MELISSA R. HOPPLE,
Petitioner

: NO. 89-21,466

vs.

: Domestic Relations Section

: Exceptions

JEFFREY L. HOPPLE,
Respondent

:

OPINION AND ORDER

Before the Court are Respondent's exceptions to the Family Court Order of April 27, 2000 in which Respondent was directed to pay child support to Petitioner. Argument on the exceptions was heard July 12, 2000.

Respondent first contends the hearing officer should have assessed Petitioner an earning capacity based upon her previous employment at Shop-Vac. In the Order of April 27, 2000, the hearing officer notes that Petitioner was laid-off from her employment at Shop-Vac and has obtained subsequent employment but at a lower rate of pay. The Court finds no error in considering Petitioner's actual income, inasmuch as she was laid-off from her previous employment and therefore lost that employment through no fault of her own. Furthermore, she has obtained employment commensurate with her abilities and is not willfully failing to seek appropriate employment.

Next, Respondent contends the hearing officer should not have considered his incentive pay as such could be cut at any time. The Family Court Order does not refer to incentive pay but, in any event, if Respondent experiences a cut in pay, he may seek modification at that time. The Court will not consider the possibility of a loss of income, only the actual loss of income.

Next, Respondent contends the hearing officer should have considered the impact of his responsibility to support a child at home on his current child support obligation to Petitioner. The Family Court Order does mention that Respondent has a child at home to

his current wife but makes no apparent calculation of the impact of Respondent's obligation to that child on the obligation to Petitioner in this matter. It does not appear the hearing officer had been provided with Respondent's wife's income to enable him to make such a calculation. In reviewing the instant Order, it appears the hearing officer made a mathematical error in calculating the child support amount and rather than \$680.77 per month, Respondent's obligation under the guidelines for the two (2) children in this matter is \$890.83 per month. It therefore becomes all the more necessary to consider Respondent's obligation to the child in his home. As the Court is without a basis to determine the effect of that obligation, the matter must be remanded.

Finally, Respondent contends the hearing officer erred in failing to provide an adjustment for the health insurance he provides for the children. The hearing officer indicated in his Order that the matter was not addressed at the hearing but that it was apparent from Respondent's pay stubs that he does provide health insurance coverage. He did not provide for an adjustment, however, as the weekly deduction is \$6.31 and the hearing officer found Petitioner's responsibility toward that obligation to be minimal. Considering the parties' current incomes, and accepting the hearing officer's assumption that seven (7) people are covered, Petitioner's obligation toward Respondent's share as well as the share of the two (2) children in this matter would be \$3.48 per month. Inasmuch as the matter is being remanded, as noted above, the health insurance issue should be addressed as well, to eliminate any errors which might arise as a result of assuming that seven (7) people are covered.

ORDER

AND NOW, this day of July, 2000, for the foregoing reasons, Respondent's first and second exceptions are hereby denied. With respect to his third and fourth exceptions, the matter is hereby remanded to the Family Court Officer for further proceedings consistent with this Opinion.

By The Court,

Dudley N. Anderson, Judge

cc: Domestic Relations (Barbra Hall)
Family Court
Melissa Hopple, 648 Braine Street, Williamsport
Raymond Lobos, Esq., 309 E. Chestnut St., Mifflinburg 17844
Gary Weber, Esq.
Hon. Dudley N. Anderson