

**IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA**

DEBRA TEDESCO,	: NO. 87-20,687
Petitioner	:
	:
vs.	: DOMESTIC RELATIONS SECTION
	: Exceptions
MICHAEL TEDESCO, SR.	:
Respondent	:

OPINION AND ORDER

Before the Court are Respondent’s exceptions to the Family Court Order of August 2, 2000, in which Respondent was directed to pay child support for the parties’ two (2) minor children. Argument on the exceptions was heard September 13, 2000.

In his first exception, Respondent contends the hearing officer erred in his statement that the matter came before the Court “based upon a Petition filed by Michael Tedesco on June 22, 2000.” The Court agrees with Respondent that Petitioner filed the request for review and after entering into an agreement at the conference at the Domestic Relations Office, withdrew her consent to that agreement and requested the hearing in Family Court. This error does not affect Respondent’s obligation as directed in the instant Order, however.

Respondent also contends the hearing officer erred in finding he terminated his employment with the Ross Club due to problems with the chef. Respondent contends he was let go for lack of work and that he had provided the Domestic Relations Officer with a letter from the manager to that effect. Again, this finding of fact, even if in error, does not affect Respondent’s obligation to pay child support. The hearing officer assessed Respondent an earning capacity based upon his work history in the restaurant business. It appears the assessment is appropriate considering Respondent’s work history.

Finally, Respondent contends the earning capacity assessed, of \$8.50 per hour, is in error as he actually earned only \$8.00 per hour at the Ross Club. Respondent admitted

at argument, however, that he did indicate at the hearing in Family Court that he was earning \$8.50 per hour at the time he was let go. As the Court is confined to the record below, the assessment of an earning capacity will not be overturned. It is noted, moreover, that Respondent's employment prior to his job at the Ross Club was at TGI Friday's where he earned \$8.25 per hour. It seems, therefore, that were Respondent to maintain employment at one place he would at this point be capable of earning \$8.50 per hour.

ORDER

AND NOW, this day of September, 2000, for the foregoing reasons, Respondent's exceptions are hereby denied and the Order of August 2, 2000 is hereby affirmed.

By the Court,

Dudley N. Anderson, Judge

cc: Debra Tedesco, 828 Tucker Street, Williamsport, PA 17701  
Michael Tedesco, 2936 Bon Lane, Williamsport, PA 17701  
Family Court  
Barbra Hall, Domestic Relations  
Gary Weber, Esq.  
Hon. Dudley N. Anderson