

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PA

MICHELLE L. KEISER,	:	
Plaintiff	:	
	:	
v.	:	No. 91-21,844
	:	
MICHAEL F. KEISER,	:	
Defendant	:	

Opinion issued August 6, 2001

Opinion and Order

This case involves the Exceptions to the Master’s order dated June 1, 2001, which Husband alleges contains three errors.

The first issue concerns the amount of APL Husband owes. The Master assessed him an APL obligation of \$485.85. The Master arrived at that figure by using Husband’s basic child support obligation of \$1213.51 per month, instead of his total child support obligation of \$1343.80 per month.

This procedure is clearly contrary to Rule 1910.16-4 of the Guidelines, which sets forth how APL is to be calculated. The Rule states that the child support obligation to be subtracted is the “Total Child Support Obligation (Line 11).” Given this unambiguous mandate, the Master clearly erred.

Performing the calculations set forth in Line 11 yields a total child support obligation of \$1343.80, as Husband’s share of the unreimbursed medical expenses (\$77.47 per month) and his share of the pre-school expenses (\$52.82 per month) are added to his basis child support obligation before calculating APL. Recalculating Husband’s APL in the proper manner results in an APL obligation of \$446.76 per month.

Next, Husband argues the Master erred in ordering him to contribute to his child's orthodontic expenses. This exception must be denied, as Husband has failed to produce any evidence to convince us the Master erred. Although Husband's attorney argued he did not agree with entailing this expense, Wife's attorney argued Husband agreed the expense was necessary, but disagreed with the dentist selected. Without a transcript, of course, this court cannot make a determination, and thus must accept the Master's decision.

Lastly, Husband argues he should have been granted a 20% deviation based upon travel expenses for the children to travel to North Carolina four or five times each year for Husband's partial custody. The Master correctly stated in the order that Husband may be entitled to a deviation upon presenting receipts for that expenditure. Husband's other option is to attempt to modify the custody order, which requires him to pay all travel expenses.

ORDER

AND NOW, this _____ day of August, 2001, for the reasons stated in the foregoing opinion, the exceptions filed by Husband to the Master's order of 1 June 2001 are disposed of as follows: (1) Exception #1 is granted and it is ordered that Husband's APL obligation shall be \$446.76 per month; (2) Husband's Exceptions #2 and 3 are denied.

BY THE COURT,

Clinton W. Smith, P.J.

cc: Dana Jacques, Esq., Law Clerk
Hon. Clinton W. Smith
Janice Yaw, Esq.
Bradley Hillman, Esq.
Jocelyn Hartley, Esq., Family Court Hearing Officer
Domestic Relations
Gary Weber, Esq., Lycoming Reporter