

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

MSC, : NO. 01-20,266  
Petitioner :  
 :  
vs. : DOMESTIC RELATIONS SECTION  
 : Exceptions  
DMC, :  
Respondent :

OPINION AND ORDER

Before the Court are Respondent's exceptions<sup>1</sup> to the Family Court Order dated May 31, 2001. Argument on the exceptions was heard July 25, 2001.

Respondent contends the hearing officer erred in calculating his income and in not assigning the dependency exemption for the children to him.<sup>2</sup>

With respect to his income, Respondent contends the hearing officer erred in averaging the year to date figures on the pay stub used, over twenty (20) weeks rather than twenty-one (21) weeks. The Court does not agree. After reviewing the pay stub and a calendar, the Court concludes the hearing officer correctly based the year to date figures on twenty (20) weeks.

With respect to the dependency exemption, counsel stipulated that the matter was discussed at the hearing but has not been addressed by the Family Court Order. Counsel agreed the matter should be remanded for further consideration of that issue.

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<sup>1</sup>At argument, Petitioner withdrew her exceptions.

<sup>2</sup>Respondent also contends in his written exceptions the hearing officer erred in requiring him to contribute to the daycare expense, but at argument withdrew this exception.

ORDER

AND NOW, this 15<sup>th</sup> day of August, 2001, for the foregoing reasons, the Family Court Order dated May 31, 2001 is hereby affirmed. In addition, the issue of the dependency exemptions for the children is hereby remanded to Family Court for consideration and entry of a further Order.

By the Court,

Dudley N. Anderson, Judge

cc: Family Court  
Domestic Relations  
Jeff Yates, Esq.  
Janice Yaw, Esq.  
Dana Jacques, Esq.  
Hon. Dudley N. Anderson