

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

ALH,	:	NO. 98-21,438
Petitioner	:	
	:	
vs.	:	DOMESTIC RELATIONS SECTION
	:	Exceptions
JLH,	:	
Respondent	:	

OPINION AND ORDER

Before the Court are Petitioner's exceptions to the Family Court Order of December 14, 2000, in which Respondent's Petition for Modification was granted and Petitioner's child and spousal support payment was reduced. Argument on the exceptions was heard March 28, 2001. Respondent was previously employed by PaDOT as a construction supervisor but is currently on disability retirement based upon certification from a psychiatrist that he is unable to work. The hearing officer reduced Respondent's child support obligation and terminated his spousal support obligation, based upon a reduction in his income from that received while employed with PaDOT to his current income from disability retirement. Petitioner argues the hearing officer should have assessed an earning capacity over and above his disability retirement payments, based upon at least part time work. A review of the record indicates that the hearing officer's decision was correct, however. Respondent presented evidence that he is unable to work at this time and although Petitioner argues it is a matter of credibility, the Court finds no reason to disturb the hearing officer's credibility determination.

ORDER

AND NOW, this 29<sup>th</sup> day of March, 2001, for the foregoing reasons, Petitioner's exceptions

are hereby denied and the Order of December 14, 2000 is hereby affirmed.

By the Court,

Dudley N. Anderson, Judge

cc: Family Court  
Domestic Relations  
Janice Yaw, Esq.  
JH  
Gary Weber, Esq.  
Hon. Dudley N. Anderson