

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

LCC&Y, : NO. 97-21,440  
Petitioner :  
 :  
vs. : DOMESTIC RELATIONS SECTION  
 : Exceptions  
WJC, :  
Respondent :

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LCC&Y, : NO. 00-21,644  
Petitioner :  
 :  
vs. : DOMESTIC RELATIONS SECTION  
 : Exceptions  
SC, :  
Respondent :

OPINION AND ORDER

Before the Court are Mr. C's exceptions to the Family Court Order dated February 6, 2001 in which both Respondents were directed to pay child support for the support of one (1) minor child in placement with C and Y. Argument on the exceptions was heard April 18, 2001, at which time Mr. C requested the preparation of a transcript. By Order dated April 18, 2001, a transcript was directed to be prepared and that transcript was received by the Court on July 5, 2001.

In his exceptions, Mr. C contends the hearing officer erred in refusing to consider evidence that his income had been reduced, specifically, that his employer had reduced his working hours. A review of the transcript indicates the following was presented:

Mr. Zeigler: I would simply note that the pay stub indicates, I believe, rate of pay at 40 hours per week and he's been dropped down to 32 now.

The Master: But you don't know how long he's going to be at 32.

WC: At least two months.

The Master: You'll be down and up and it's the same way during the fluctuation, your support obligation is going to be based upon this pay stub.

WC: They made an announcement to us Friday morning that because of - they had an over - they had too much inventory and cutting the entire plant down to 32 hours a week.

The Master: I understand that. I see that all the time.

WC: This is the first time ours has done anything like that.

Domestic Relations

Officer: I actually have a wage verification and I have a week showing 32.10 hours.<sup>1</sup>

The Master: Ok. Alright, now, Miss C?

N.T., February 6, 2001 at p.7.

Since Mr. C did not present evidence that the change was continuing, although it may be substantial, the Court finds no error in the hearing officer's failure to consider it at the time. Has the change continued to date, however, Mr. C is not prevented from filing a Petition to Modify and showing a substantial and continuing change in his income.

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<sup>1</sup>Apparently, the Domestic Relations Officer was referring to the week ending November 25, 2000 but the four (4) weeks shown on the wage verification after that period indicate 50.5 hours, 48.8 hours, 56 hours and 46.7 hours, respectively.

ORDER

AND NOW, this 11<sup>th</sup> day of July, 2001, for the foregoing reasons, Mr. C's exceptions are hereby denied and the Order of February 6, 2001 is hereby affirmed.

By the Court,

Dudley N. Anderson, Judge

cc: Family Court  
C and Y  
Matt Zeigler, Esq.  
SC  
Gary Weber, Esq.  
Hon. Dudley N. Anderson