

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

BRR, : NO. 99-21,683  
Petitioner :  
 : Domestic Relations Section  
vs. : Reconsideration  
ALR, :  
Respondent :

OPINION AND ORDER

Before the Court is Petitioner's Motion for Reconsideration, filed February 12, 2001, to this Court's Order of January 26, 2001, which granted Petitioner's exceptions, vacated the Family Court Order of November 20, 2000, then reinstated the Orders of June 26, 2000 and February 28, 2000. Argument on the Motion was heard April 30, 2001.

By way of background, the Family Court Order of November 9, 2000 had lowered Respondent's spousal support obligation to Petitioner based upon a finding that his income had been decreased. In granting Petitioner's exceptions to the Family Court Order, the Court determined the hearing officer erred in admitting hearsay evidence and then basing a finding of a lower income on such hearsay. No other change in circumstance having been shown, the Family Court Order was vacated and the previous Order was reinstated. In her exceptions, Petitioner argued the hearing officer erred in admitting the hearsay evidence, and also that the hearing officer erred in the calculation of the spousal support obligation. Since the Court vacated the hearing officer's Order in its entirety, the Court found it unnecessary to address the second issue. In her Motion for Reconsideration, Petitioner contends the Court should have gone on to recalculate the spousal support obligation even though the calculation was vacated.

The Court agrees with Petitioner that the spousal support was calculated incorrectly. The hearing officer based the spousal support obligation on 30% of the difference between the parties' incomes, rather than 40%. Respondent does have a child support obligation, but to

another Petitioner, not the Petitioner in the instant matter. This error in calculation was made not only in the Order of November 9, 2000 but in the previous Order, that of February 28, 2000. Petitioner seeks to have this Court rectify the Order of February 28, 2000. The Court finds it has no jurisdiction at this time to do so.<sup>1</sup>

ORDER

AND NOW, this 4<sup>th</sup> day of May, 2001, for the foregoing reasons, Petitioner's Motion for Reconsideration is hereby denied. The Order of January 26, 2001 shall continue in full force and effect.

By The Court,

Dudley N. Anderson, Judge

cc: Brad Hillman, Esq.  
AR  
Domestic Relations Office  
Gary Weber, Esq.  
Hon. Dudley N. Anderson

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<sup>1</sup>Although Petitioner contends she will file a Petition for Modification if the Court refuses to grant her reconsideration, an error in calculation is not a matter for modification as it represents no change in circumstance such as justifies a review. Petitioner's appropriate relief would have been to file exceptions to the Order of February 28, 2000.