

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

JOSEPH DEMBITSKY : NO. 95,20,998  
Petitioner  
VS. :

BARBARA DEMBITSKY :  
Respondent

:  
OPINION IN SUPPORT OF ORDER  
IN COMPLIANCE WITH RULE 1925(A)  
OF THE RULES OF APPELLATE PROCEDURE

Respondent appeals the Final Order of the Family Court Hearing Officer regarding Equitable Distribution dated March 1, 2002. The Master's Hearing on this matter was held October 17, 2001. The first Master's Report was filed with the Court on January 17, 2002. Respondent filed Exceptions to the report on January 28, 2002. This Court heard argument on the Exceptions on February 28, 2002. At the time of the hearing, Exceptions 1,2, and 3 were withdrawn. After argument, the Court dismissed Exceptions 4-8, and affirmed the January 17, 2002 report of the Master. The Final Order of the Master summarized the distribution amounts as set forth in the first report.

Respondent filed a Notice of Appeal on April 1, 2002. On appeal, Respondent argues that the Court erred in failing to award her medical insurance coverage, given her poor deteriorating health, and given that Petitioner had the ability to continue to cover the Appellant after the divorce. Instantly, after reviewing the Order of the Hearing Officer, the Court could find no mention of the Health Insurance. Since the issue was not raised in a pretrial statement prior to, or at the time of the Equitable Distribution Hearing, the Court cannot find any error in the Hearing Officer's failure to address this issue. See *Pa.R.C.P. 1920.33(b), (d)(1)*.

Next Respondent argues that the Court erred in failing to award her any portion of Petitioner's retirement benefits that are now in payout status. Upon review of the file, the Court finds that the pension was not an item that was raised in the pretrial statements of the parties. The pension was not, therefore, given a value nor was any information provided upon which to determine a value. Since the issue was not raised prior to, or at the time of the Equitable Distribution Hearing, the Court cannot find any error in the Hearing Officer's failure to address this issue. See *Pa.R.C.P. 1920.33(b), (d)(1)*.

Respondent last argues that the Court erred in failing to provide equitable economic relief to her, given the number of years of the marriage, and other applicable factors. The Court finds this argument without merit. The Family Court Hearing Officer, in his January 17, 2002 Order, thoroughly analyzed all of the relevant factors pursuant to 23 Pa.C.S.A. § 3502. After analysis of the relevant factors, and the stipulations of the parties with regard to the ownership of much of the remaining property, the Hearing Officer divided the property in a fair and equitable manner. The Court therefore dismissed this Exception.

Date: \_\_\_\_\_

By The Court,

Nancy L. Butts, Judge

xc: John A. Felix, Esquire  
Joy Reynolds McCoy, Esquire  
Honorable Nancy L. Butts  
Judges  
Law Clerk  
Gary Weber