

GLH,		: IN THE COURT OF COMMON PLEAS OF
		: LYCOMING COUNTY, PENNSYLVANIA
	Petitioner	:
		:
vs.		: NO. 00-21,099
		: DOMESTIC RELATIONS SECTION
RAH,		:
		:
	Respondent	: Exceptions

OPINION AND ORDER

Before the Court are Respondent’s exceptions to the Family Court Order of May 3, 2002. Argument on the exceptions was heard July 24, 2002.¹

After finding that Respondent had been off work, due first (after his petition for modification) to depression and then because of rotator cuff surgery, the hearing officer lowered Respondent’s alimony pendente lite obligation from the date of his petition through the date found by the hearing officer when Respondent could return to work. That date was April 28, 2002, and was, according to the Order of May 3, 2002, based on Respondent’s testimony at the hearing on April 9, 2002, that his surgery was on February 28, 2002, and he had been told by his doctor he could return to work in two months. Respondent argues that no such testimony was presented, that Respondent had testified he did not know when he could return to work. Respondent has not requested the preparation of a transcript, however, and the Court therefore has no basis to discount the hearing officer’s finding in this regard.

Respondent also seeks to present a statement from Respondent’s doctor indicating that he was actually released to return to work on May 24, 2002, but that statement

was generated on June 17, 2002, and was thus not presented and could not have been presented to the hearing officer. As such, it cannot be considered by this Court.

Finally, Respondent alleges that he is no longer employed and is receiving public assistance. This change in circumstance is more properly the subject of a petition for modification, not exceptions.

ORDER

AND NOW, this 24th day of July, 2002, for the foregoing reasons, Respondent's exceptions are hereby denied and the Order of May 3, 2002, is hereby affirmed.

BY THE COURT,

Dudley N. Anderson, Judge

cc: Family Court
Domestic Relations Section
Julie Pentico, Esq.
Raymond Bulson, Esq.
6 South Main Street
Portville, NY 14770
Gary Weber, Esq.
Dana Jacques, Esq.
Hon. Dudley Anderson

¹ Respondent's counsel submitted a letter to the Court in lieu of argument. Petitioner's counsel appeared at argument.