

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PA

DEBORAH L. SHULTZ,	:	
Plaintiff	:	
	:	
vs.	:	No. 97-20,005
	:	PACES NO. 877001827
TRENT A. SHULTZ,	:	
Defendant	:	

ORDER

AND NOW, this 23rd day of April, 2003, after argument on the Exceptions filed by Petitioner to the Master's Report dated February 10, 2003, the Exceptions are disposed of as follows.

The Exceptions focus on the Master's determination that Petitioner should be assessed an earning capacity based upon her previous employment at Susquehanna Health Systems, from which she was fired for cause in December 2000. We see no error in this determination, as there is no evidence of substantial change in Petitioner's circumstances regarding her earning capacity. Petitioner went on to find employment at Lock Haven Hospital, but quit after her hours and hourly wage were decreased. She now works at Evangelical Hospital, on a per diem basis, and operates her own business as a massage therapist.

Petitioner has tried to argue this is a case similar to Dyer v. Dyer, Lyc. Co. No. 96-21,167. We agree with the Master that this case is very different. In Dyer, the petitioner was terminated because he had been promoted to a level beyond which he was competent. The petitioner obtained other employment, where he made a decent salary, and presented evidence that although he had applied for many positions similar

to the position from which he was fired, he received no job offers. This convinced the Hon. Dudley N. Anderson that the petitioner was actually not capable of earning the amount of money he previously earned.

In the case before this court, we have no such evidence. Instead we have a woman who was fired and although she obtained other employment, she now works on a per diem basis, which gives her the opportunity to work as a massage therapist in her free time, which appears to be what she really wants to do.

As to Petitioner's argument she needs to be a Registered Respiratory Technician in order to find similar employment, the court was presented with no evidence to that effect. Moreover, the Petitioner apparently has made no effort to obtain the additional training needed to become a Registered Respiratory Technician. We note that she was offered an opportunity to receive the additional training while working for Susquehanna Health Systems, but never availed herself of that opportunity. Instead, beginning in 1999, she chose to learn the art of massage therapy, which took her eighteen months.

As to Petitioner's first Exception, which states the Master erred in finding that Petitioner earned \$18.40 per hour at Lock haven Hospital with a net monthly income of \$1575.20, we note the Master specifically stated Petitioner's wage was decreased to \$17.85 per hour, and that her hours were decreased as well.

Finally, Petitioner objects to the Master assessing Petitioner with the amount of wage increases she would have received had she not been terminated from Susquehanna Health Systems. At the hearing held on January 16, 2003, Glenn Mechtling, Vice President of Human Resources at Susquehanna Health Systems, testified that had she continued working at SHS, she would have received a 3.5% increase in 2001, a 4%

increase in 2002, and a 3% increase in 2003. The court can find no reason not to include such increases, as the testimony of Mr. Mechtling, as well as a letter submitted from the Human Resources Office, establishes that Petitioner would have received these increases had she continued working there. The increases were adjustments to the pay grades for the Certified Respiratory Therapist job classification, based upon the amount of the general increase, and it appears certain she would have received them if she had continued to be employed there.

ORDER

AND NOW, this _____ day of April, 2003, for the reasons stated in the foregoing opinion, the Exceptions filed by the Petitioner to the Master's Report dated February 10, 2003 are dismissed.

BY THE COURT,

Clinton W. Smith, P.J.

cc: William Miele, Esq.
Joy McCoy, Esq.
Gerald Seevers, Esq.
Domestic Relations (SF)
Gary Weber, Esq.