

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

LR,	:	NO. 90-20,863
Petitioner	:	
	:	
vs.	:	DOMESTIC RELATIONS SECTION
	:	Exceptions
JEG,	:	
Respondent	:	
*****		
RLG,	:	NO. 95-21,510
Petitioner	:	
	:	
vs.	:	DOMESTIC RELATIONS SECTION
	:	Exceptions
JEG,	:	
Respondent	:	

OPINION AND ORDER

Before the Court are Respondent’s exceptions to the Family Court Order dated January 31, 2003, in which Respondent was directed to pay child support to each Petitioner. Argument on the exceptions was heard March 12, 2003. In his exceptions, Respondent contends the hearing officer erred in failing to consider his job related expenses. The Court agrees.

While the Family Court hearing officer noted Respondent has expenses for fuel and lodging because he works in the Lancaster area, the officer failed to take such expenses into consideration by either deducting them from Respondent’s income or by granting a deviation below the guidelines due to extraordinary expenses. The hearing officer’s reasoning appears to be that Respondent is able to take these expenses as itemized deductions on his tax return. The Court fails to see the logic in disallowing any consideration on such a grounds, as the deduction provided Respondent with a larger tax refund, which refund was included in his income for child support purposes. The Court believes that although the gasoline expense is not such as to be considered extraordinary, the lodging expense does merit consideration. The Court will therefore grant a deviation and rather than \$850.00 per

month for the three minor children to RG, Respondent will be directed to pay \$740.00 per month and rather than \$525.00 per month for the child to LR, Respondent will be directed to pay \$475.00 per month.

ORDER

AND NOW, this 17<sup>th</sup> day of March, 2003, for the foregoing reasons, Respondent's exceptions are hereby granted and the Order of January 31, 2003 is hereby modified such that in NO. 90-20,863, Respondent shall pay for the support of one minor child the sum of \$475.00 per month, effective January 9, 2003, and in NO. 95-21,510, Respondent shall pay for the support of three minor children the sum of \$740.00 per month, effective August 30, 2002. As modified herein, the Order of January 31, 2003 is hereby affirmed.

By the Court,

Dudley N. Anderson, Judge

cc: Family Court  
Domestic Relations  
RG  
LR  
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Hon. Dudley N. Anderson