

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PA

M.W.C.,	:	
Plaintiff	:	
	:	
v.	:	No. 97-20,855
	:	PACES NO. 834001801
J.G.C.,	:	
Defendant	:	

OPINION and ORDER

This opinion addresses the exception filed by Father to the Master's order of March 18, 2005 assessing child support. At issue is Father's earning capacity.

Father was laid off from Brodart Company in July 2004, after working there for thirty-one years. He was a main frame computer specialist. Since being laid off, he has made no attempts to find another job. Instead, he has started his own personal computer business. He plans to teach customers how to operate PC's, assist customers in purchasing and installing PC's, create DVD's for customers, and create theme DVD's for sale on E-Bay. Father has earned little to no money thus far, and does not expect to make any significant profit for the first year the business is in operation. He has applied for no jobs since being laid off, choosing instead to put all of his time into developing his own business.

The Master assigned him an earning capacity of \$36,450 per year, which is the average annual wage of a computer support specialist in Lycoming County, derived from the 2003-2004 edition of the Center for Work Force Information and Analysis.

Father argues the assessment is inappropriate because all of his employment experience has been with main frames, which are now virtually extinct, and because his PC work is merely his hobby. This ignores the fact that while PC work may have been a hobby in the past, Father is clearly intending to make it his occupation now. Father

certainly considers himself knowledgeable enough about PC's to earn a living working with them.

Moreover, Father's testimony belies his argument in this regard. Specifically, when the Master stated,

But if you are going to open your own PC business, I have to assume that you are extremely knowledgeable in the use of PC's. Have you attempted to find paid work through an employer working with PC's? Main frame would not then be your only option, you would also work with PC's, correct?

Father responded, "I could." N.T., pp. 12-13. Father also testified, "I was thinking about doing, you know, if I worked for a PC company and just working in the back room, you know, solving PC problems." N.T., p. 28. Additionally, when asked by the Master whether "support specialist" sounds like what he is doing with his PC business, he answered, "Yeah, that would be close." N.T., p. 25. In short, these and other passages in the transcript support the Master's assessment, and therefore the court finds no error in that regard.

This case is similar to the case of Rafferty v. Rafferty, Lyc. Co. No. 04-20,101, where the wife had twenty-three years' experience operating a craft store the couple owned. Since the business was liquidated in December 2003, she had been working to develop her own antique/craft business via consignment, but had made little to no money and did not expect to earn a living from the business in the near future. Like Father, she had made no attempt to find employment. The court assessed Wife with an entry-level retail management position.

Father argues that he should, at least, have been assigned an entry-level computer support specialist position, and the court agrees. The record established that while Father had extensive employment experience with main frames, he had no employment experience with PC's. When the Master mentioned that the average wage for a computer support specialist was \$36,450, and that the entry level wage was over \$26,000, she then asked Father, "With the kind of experience you had at Brodart, I

would have to think that you would agree that—.” Father then responded, “No, because that’s main frame experience.” N.T., p. 27-288. The court finds that an entry level position is more appropriate as an earning capacity, given Father’s age (51), and work experience, which is limited solely to main frame computers. Therefore, we will assess him at \$26,100, the entry level position for a computer support specialist. After deducting 20% for taxes and withholding, Father’s income is \$1740 per month.

ORDER

AND NOW, this _____ day of June, 2005, for the reasons stated in the foregoing opinion, the Exception filed by the defendant to the Master's order of March 18, 2005 is granted and it is ordered as follows:

1. Child support is changed to \$346.06 per month.
2. Unreimbursed medical expenses shall be: 47.89% to Father, 52.11% to Mother.
3. In all other respects, the Master's order of March 18, 2005 is affirmed.

BY THE COURT,

Richard A. Gray, J.

cc: Dana Jacques, Esq., Law Clerk
Hon. Richard A. Gray
Randi Dincher, Esq.
Christian Fry, Esq.
Domestic Relations Office (JJ)
Family Court
Gary Weber, Esq.