

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PA

B.M.,	:	
Plaintiff	:	
	:	
v.	:	No. 03-20,543
	:	PACES NO. 188105423
D.M.,	:	
Defendant	:	

OPINION and ORDER

This opinion addresses the Exceptions filed by Father to the Master's order of November 19, 2004, awarding Wife spousal support, APL, and a mortgage contribution. Father's primary argument is that Mother should be assessed with a summertime earning capacity.

Mother works for the Jersey Shore School District as a student aide, caring for a child in a wheelchair. She works thirty-five hours per week during the school year, and does not work when school is out of session.

While it is true the courts typically do not assess school teachers with summertime income, that is not the case with other types of school district employees. This is because non-teaching employees do not have the additional, off-duty hours that school teachers routinely work during the school year, nor do they have responsibilities in the summer such as continuing education. Moreover, such workers are often minimum-wage type individuals, who can realistically obtain appropriate employment during the summer.¹

Mother in this case is certainly similar to the wife in Jennings v. Jennings, Lyc. Co. No. 04-20,906, who worked at a school cafeteria for 27 ½ hours per week, earning

¹ Although such employees typically earn more than minimum wage working for the school district, that is primarily due to the part-time nature of the work, and it is unrealistic to assume they can find a full-time job for that wage.

\$9.84 per hour, as well as earning an additional \$130 per month cleaning houses. We assessed her at her actual earnings during the school year, but assessed her with a full-time minimum wage earning capacity during the summer. We can find no reason not to follow a similar procedure in this case. Therefore, the court will assess Mother with an additional \$750 per month for three months, which adds \$187.50 to her monthly income, year-round, for a total of \$1140.64 per month.

Father also objects to being assessed a mortgage contribution. Inasmuch as the courts typically award the full amount of the contribution, and we have been provided with no compelling reason not to award the contribution, this exception will be dismissed.

ORDER

AND NOW, this _____ day of January, 2005, for the reasons stated in the foregoing opinion, Father's Exceptions #1 is granted and Father's Exception #2 is dismissed. It is noted that the Exceptions filed by the plaintiff have been withdrawn due the amended order issued by the Master. It is further ordered that:

1. Child support shall be set at \$721.67 per month.
2. Alimony pendente lite shall be set at \$188.88 per month.
3. Mortgage contribution is \$203.30 per month.
4. Unreimbursed medical expenses shall be: 68.60% to Father, 31.40% to Mother.
5. Father shall receive a credit of \$103.62 for orthodontic expenses.
6. In all other respects, the Master's order of December 7, 2004 is affirmed.

BY THE COURT,

Richard A. Gray, J.

cc: Dana Jacques, Esq., Law Clerk
Hon. Richard A. Gray
Patricia Bowman, Esq.
Joy McCoy, Esq.
Domestic Relations (MR)
Family Court
Gary Weber, Esq.