

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PA

C.S.,	:	
Plaintiff	:	
	:	
v.	:	No. 90-21,663
	:	PACES NO. 592001871
C.W.,	:	
Defendant	:	
	:	
J.W.,	:	
Plaintiff	:	
	:	
v.	:	No. 04-21,414
	:	PACES NO. 409106863
C.A.W.,	:	
Defendant	:	

OPINION and ORDER

This opinion addresses the Exceptions filed by Husband to the Master's order of December 30, 2004, awarding spousal support and child support to Wife.

Father objects to the Master's assessment of his income. On July 25, 2004, Father began working at Industrial Air as a pipe welder, earning \$15.00 per hour. That was apparently a seasonal job. Father was laid off on December 12, 2005, and began receiving unemployment benefits effective on that date. Father testified that he expected to be laid off through the end of March 2005. The Master annualized his income based upon thirty-six weeks of employment and sixteen weeks of unemployment. The problem with this approach is that the employment upon which it is based was recent employment, at which Father had only been working since July 25, 2004. Therefore, it is difficult to arrive at a realistic estimate regarding when he would be called back to work. The court notes that Father in fact was not called back to work in March 2005. Similarly, without a longer period of employment (preferably one year), it is difficult for seasonal employees to save funds from their employment period

to pay their support during the period of unemployment. For these reasons, the court will assess Father at his actual earnings, which are: \$2778.49 per month while employed, and \$1156.13 per month while unemployed.

Regarding Mother's income, Mother works at H&R Block from January through April 15th, with thirty hours of paid training in December. In 2004, she received unemployment for twenty-six weeks, for a total of \$2,288.00. She received public assistance after her unemployment ran out. Prior to her current employment, she worked as a shift supervisor for Manhattan Bagel, starting at \$6.25 per hour and ending at \$6.75 per hour. The Master assessed her at \$6.25 per hour.

Since annualizing Mother's current income would amount to less than she was earning at Manhattan Bagel, the court agrees that Mother should be assessed at her Manhattan Bagel salary. Therefore, we will assess her at \$6.75 per hour, since given her experience (four years at that job), she should be able to earn more than an entry-level worker. The court arrives at a net monthly salary of \$1017.90 per month.

Father also argues the court should impose a time limit on spousal support, given the short length (one year) of the marriage. The court agrees and will limit the spousal support to six months.

ORDER

AND NOW, this _____ day of May, 2005, for the reasons stated in the foregoing opinion, Father's Exceptions #1, #2, #3, #4, #5 are granted, and the remaining exceptions are dismissed. It is further ordered that:

1. For the time period of October 26, 2004 through December 12, 2004,
 - A. Child support shall be \$548.93 per month
 - B. Unreimbursed medical expenses shall be 73.19% to Father and \$26.81% to Mother.
 - C. Spousal support shall be \$301 per month.
 - D. Child care contribution shall be \$45.74 per month.
 - E. Pre-school tuition shall be \$51.23 per month.
2. For the time period of December 13, 2004 on:
 - A. Child support shall be \$268.56 per month.
 - B. Unreimbursed medical expenses shall be 53.18% to Father, 46.82% to Mother.
 - C. Spousal support shall be zero.
 - D. Child care contribution shall be \$33.24 per month.
 - E. Pre-school tuition shall be \$37.23 per month.
3. Spousal support shall be limited to a period of six months.
4. In all other respects, the Master's order of April 7, 2004 is affirmed.

BY THE COURT,

Richard A. Gray, J.

cc: Dana Jacques, Esq., Law Clerk
Hon. Richard A. Gray
William Miele, Esq.
Rita Alexyn, Esq.
Domestic Relations (SF)
Family Court
Gary Weber, Esq.