

IN THE COURT OF COMMON PLEAS OF LYCOMING COUNTY, PENNSYLVANIA

S.L.L.,		:	
	Petitioner/Plaintiff	:	
		:	
	v.	:	No. 03-21,548
		:	PACSES No. 084105881
J.A.E.,		:	DOMESTIC RELATIONS SECTION
	Respondent/Defendant	:	

ORDER AND OPINION

Before this Honorable Court, is the Respondent/Defendant’s January 18, 2006 Exceptions filed to the Family Court Hearing Officer’s January 9, 2006 Order. He asserts that the Family Court Hearing Officer erred when she refused his request to eliminate his child support obligation because he voluntarily quit work in order to pursue a high school diploma.¹

The Family Court Hearing Officer assessed the Respondent/Defendant a \$1,565.27monthly earning capacity based on his previous salary at the job he voluntarily quit to pursue a high school diploma. The Respondent/Defendant asserted that his employer told him that he would not be able to retain his job unless and until he received his high school diploma and, that a GED was not an acceptable substitute.

At the hearing on this matter, the Respondent/Defendant’s employer’s secretary testified that, it was her understanding that without a high school diploma, the Respondent/Defendant’s continued employment was not guaranteed; however, the secretary also testified that there is not a company policy necessitating employees to have a high school diploma and, that the Respondent/Defendant could likely retain his employment by acquiring a GED as opposed to a high school diploma. The Family Court Hearing Officer believed the Respondent/Defendant’s

¹ The Respondent/Defendant’s other two exceptions to the Family Court Hearing Officer’s Order flow from this foundational exception; more specifically, the Respondent/Defendant asserted that, because he is a full-time high school student, he should not be assessed a full-time earning capacity nor should he be responsible for 71% of Plaintiff/Petitioner’s unreimbursed medical expenses.

employer's secretary and found that the Respondent/Defendant's assertion that he needed to obtain a high school diploma in order to retain his job not credible; this Court will not disturb these findings of the Family Court Hearing Officer. Accordingly, the Respondent/Defendant's Exceptions are DISMISSED.

ORDER

AND NOW, this _____ day of February 2006, for the reasons set forth above, it is ORDERED and DIRECTED that the Exceptions filed by the Respondent/Defendant to the Family Court's order of January 9, 2006 are DISMISSED.

By the Court,

Nancy L. Butts, Judge

cc: Patricia L. Bowman, Esq.
Michael C. Morrone, Esq.
Family Court
Domestic Relations (JJ)
Gary L. Weber, Esq.