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CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

No. 9-621 / 89-664

IN RE THE MARRIAGE OF GARY WAYNE MEHAFFY AND CARLA JOYCE MEHAFFY

Upon the Petition of
GARY WAYNE MEHAFFY,

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Appellee,

And Concerning
CARLA JOYCE MEHAFFY,

Appellant.

Appeal from the Iowa District Court for Des Moines County, William S. Cahill, Judge.

Carla appeals from the custody and property distribution awards of the dissolution. **AFFIRMED.**

Kent Hutcheson, Ft. Madison, for appellant.

T.K. Ford of Ford Law Offices, Burlington, for appellee.

Heard by Oxberger, C.J., and Schlegel and Hayden, JJ.

HAYDEN, J.

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Gary and Carla Mehaffy were married on February 14, 1982. The couple has one child, Scott, born in 1982. Gary has custody of another child, Megan, from a prior marriage. Carla has custody of Heather, a child from her first marriage.

Gary has worked for the General Electric Company for about fifteen years He lives in the Burlington area. Carla is presently employed with a company in Illinois. She no longer lives in Burlington and little information is available in the record regarding her present circumstances.

Following a hearing, the district court made its findings and later entered its dissolution of marriage decree. The court awarded joint legal custody to both parents, with primary physical custody granted to Gary. Gary was awarded the home and various other assets in his possession, much of which had previously been divided by the couple. Included in these assets is Gary's pension plan, which he has been accumulating for the fifteen years he has been employed at General Electric. The marital debts were assigned to Gary as well, except for $72 which Carla must repay. The court did not include in the marital liabilities $3,500 which Carla received from her mother to make a down payment on their home.

Carla has filed this appeal. She claims the trial court abused its discretion in awarding physical custody of Scott to his father. She further asks us to increase her property award based on an increased valuation of Gary's pension. Lastly, Carla asserts Gary should be ordered to repay her mother $3,500.

Our scope of review is de novo. Iowa R. App. P. 4. Although not bound by the trial court's determination of factual findings, we will give considerable weight to them, especially when considering the credibility of witnesses. Iowa R. App. P. 14(f)(7). Prior cases, although helpful, have little precedential value because we base our decision primarily on the particular circumstances of the parties before us. In re Marriage of Weidner, 338 N.W.2d 351, 356 (Iowa 1983).

The factors to be considered in custody matters are set out in In Re Marriage of Winter, 223 N.W.2d 165, 166 (Iowa 1974), and need not be repeated here. The trial court, in a well-reasoned opinion, awarded physical custody to Gary. The court weighed the proximity of an interested, affectionate, and loving extended family and Scott's close relationship with his half-sister, Megan, against the unknown nature of Carla's present circumstances. Our de novo review of the record leads us to the same conclusion.

The court, in determining which parent is best suited to care for the long-range best interests of the boy,

refused to be seduced by the character assassination pervading this dissolution. Judge Cahill stated no effort would be made to weigh the shortcomings of one parent against the other. Rather, the overall characteristics of each parent was considered in light of what is best for Scott. We affirm the decision granting physical custody to Gary.

Carla asks us to value Gary's pension at twice the amount placed on it by the trial court, and then award her a greater share of the marital assets. We decline to do so.

Pension benefits are treated as marital property, In re Marriage of Howell, 434 N.W.2d 629, 631 (Iowa 1989), and are subject to equitable distribution. In re Marriage of Mott, 444 N.W.2d 507, 510 (Iowa App. 1989). The basic concern in dividing a pension is to ensure that a spouse receives an equitable share of a pension which is accumulated during the time of the marriage. See generally Howell, 434 N.W.2d at 633; In re Marriage of Curfman, 446 N.W.2d 88, 90 (Iowa App. 1989).

In this case Carla and Gary were married for seven of almost fifteen years in which Gary's pension was accumulating. The trial court awarded Carla $4,000 to equalize the property award. This property division was equitable and we do not disturb it.

We affirm the trial court's decision regarding the $3,500 from Carla's mother. Carla does not refer us to anything in the record which would substantiate the fact the money was a loan. We have no evidence Carla's mother is seeking repayment. This is an issue between Carla and her mother.

AFFIRMED.