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FILED
JAN 26 1983
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

IN RE THE MARRIAGE OF WAUNETTA L. BOZEK AND MATTHEW W. BOZEK

Upon the Petition of	)	
WAUNETTA L. BOZEK,	)	Filed January 26, 1983
Petitioner-Appellee,	)	
And Concerning	)	
MATTHEW W. BOZEK,	)	2-394 2-68108
Respondent-Appellant.	)	

Appeal from Pottawattamie District Court - Leo Connolly, Judge.

Respondent-husband appeals from the trial court's denial of his application to modify the alimony provisions of the parties' dissolution decree. AFFIRMED.

Matt Walsh, Council Bluffs, Iowa, for respondent-appellant.

Herman W. Walter of Walter & Sciortino, Council Bluffs, Iowa, for petitioner-appellee.

Considered en banc.

PER CURIAM

Respondent husband appeals from the trial court's denial of his application to modify the alimony provisions of the parties' dissolution decree. He asserts that alimony should be terminated if it is determined that the wife is living with an adult male not a member of her family. Our review is de novo. Iowa R. App. P. 4. We affirm.

The marriage of Matthew and Wuanetta Bozek was terminated by a decree on July 30, 1980, under which Wuanetta was not awarded alimony. On October 27, 1981, we modified the decree to award her temporary alimony of $200 per month for three years which would terminate on her death or remarriage. Other modifications were made which are not relevant here.[1] Matthew then filed an application in district court to modify the award so as to terminate alimony if Wuanetta cohabits with an adult male not a member of her family. At the hearing on his application, Matthew stated his belief that Wuanetta was in fact living in those circumstances. From the trial court's order denying his application, Matthew brings this appeal.

We will not modify the provisions of a dissolution decree unless the applicant has shown by a preponderance of the evidence that there has been a material and substantial change in circumstances since the date of the decree or any prior modification dealing with the same issue which makes the requested modification necessary or expedient. In re Marriage of Brown, 247 N.W.2d 2, 4 (Iowa 1976). We agree with the trial court that Matthew has not satisfied his burden of proof in this case. At the hearing, he said only that Wuanetta was living with an adult male; he made no showing of how that affected her economic situation or her continuing need for the alimony awarded by this court. We will not modify a decree on such an incomplete record.

Wuanetta asks for attorney fees incurred in this appeal. We are not aware of any authority for allowing such an award in a modification appeal as opposed to an appeal from the original decree. Each party is responsible for his or her own attorney fees.

AFFIRMED.

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[1] In re Marriage of Bozek, No. 2-65648 (Iowa Ct. App. Oct. 27, 1981).