IN THE COURT OF APPEALS OF IOWA

No. 7-545 / 96-1381

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IN RE THE MARRIAGE OF KATHRYN LYNN THORPE AND STEPHEN WALTER THORPE

Upon the Petition of
KATHRYN LYNN THORPE,

Petitioner-Appellant,

And Concerning
STEPHEN WALTER THORPE,

Respondent-Appellee.

FILED
DEC 29 1997
CLERK SUPREME COURT

Appeal from the Iowa District Court for Black Hawk County, Thomas Bower, Judge.

Kathryn Thorpe appeals from a modification of the parties' dissolution decree.

AFFIRMED.

Allison M. Heffern of White & Johnson, P.C., Cedar Rapids, for appellant.

James F. Kalkhoff of Dutton, Braun, Staack, Hellman & Iversen, P.L.C., Waterloo, for appellee.

Considered by Sackett, P.J., and Streit and Vogel, JJ.

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PER CURIAM.

Petitioner-appellant Kathryn Lynn Thorpe appeals from the trial court's decree modifying the July 1994 decree dissolving her marriage to respondent-appellee Stephen Thorpe and decreasing the alimony she was to receive. Kathryn contends her alimony award should have been increased, not decreased. We affirm by memorandum opinion pursuant to Iowa Supreme Court rule 9.

Under the July 1994 decree, Stephen was ordered to pay Kathryn alimony of $2250 a month until she no longer qualified to obtain health insurance under the plan Stephen held at the time of their dissolution. At that time, her alimony would increase $250 a month.

At the time the decree was entered, Stephen was a district agent for Northwestern Mutual Insurance Company having an annual taxable income, after deducting business expenses, of approximately $114,500. About a week following the dissolution, Stephen was told he could accept a demotion to special agent at a greatly reduced income or be terminated. He accepted the offer rather than be terminated. His annual taxable income after deducting business expenses dropped to about $37,000.

In December 1995, Stephen filed an application for modification of the decree seeking to have his alimony obligation reduced because of his reduced income. The district court modified the decree reducing Stephen's monthly alimony obligation

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from $2250 to $1000, with the provision the alimony be increased $250 a month when Kathryn no longer qualified under Stephen's health insurance for benefits.

Kathryn appeals contending Stephen's income reduction is directly attributable to his own actions, is not permanent, and is not substantial. She also asserts continued enforcement of the original decree would not result in a positive wrong or injustice to Stephen.

Iowa Code section 598.21(8) sets forth changes for the court to consider in determining whether modification of a support order is warranted. It states, in part:

> 8. Subject to 28 U.S.C. § 1738B, the court may subsequently modify orders made under this section when there is a substantial change in circumstances. In determining whether there is a substantial change in circumstances, the court shall consider the following:
>
> a. Changes in the employment, earning capacity, income or resources of a party.

Id.; see also In re Marriage of Vetternack, 334 N.W.2d 761, 762 (Iowa 1983).

Stephen experienced a sixty-eight percent reduction in annual income. This is a substantial change in circumstances. There is no evidence Stephen made the change to put Kathryn at a disadvantage. His change from district agent to special agent was not voluntary. There is no evidence the change is not permanent. Stephen has met the necessary burden. We affirm the trial court's modification of the alimony portion of the decree.

Kathryn also contends the trial court should have increased her alimony to $500 a month. The trial court denied her request. We affirm on this issue.

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Kathryn has requested appellate attorney fees. We award no appellate attorney fees.

AFFIRMED.