FILED
AUG 04 1994
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

No. 3-663 / 93-836

IN RE THE MARRIAGE OF PATSY JEAN SCHRAGE AND NEAL LEON SCHRAGE

Upon the Petition of
PATSY JEAN SCHRAGE,

Appellant,

And Concerning
NEAL LEON SCHRAGE,

Appellee.

Appeal from the Iowa District Court for Black Hawk County, Robert E. Mahan, Judge.

The petitioner appeals a judgment of the district court modifying the temporary support and alimony provisions of the district court's temporary order providing support for petitioner. **REVERSED.**

Craig C. Ament of Olsen, Parson & Ament, Cedar Falls, for appellant.

Gary Papenheim, Parkersburg, for appellee.

Considered by Hayden, P.J., and Sackett and Cady, JJ.

PER CURIAM

On February 1, 1993, the petitioner-appellant, Patsy Jean Schrage, filed a petition for dissolution of her marriage. In her petition, Patsy requested an order for temporary spousal support and temporary child support. On March 10, 1993, the district court entered an order awarding Patsy $1000 per month for temporary child support, $250 per month in temporary alimony, and $350 in temporary attorney fees. On April 16, 1993, the respondent-appellee, Neal Leon Schrage, filed an "Application for Reconsideration" of the March 10 order, seeking a reduction of his temporary support obligation. Patsy filed her resistance on April 21, 1993, alleging Neal's motion was untimely.

On April 28, 1993, the district court granted Neal's application for reconsideration, reducing his temporary support obligation from $1000 per month to $500 per month and discontinuing temporary alimony. Patsy has appealed.

On appeal Patsy claims Neal's application for reconsideration was untimely since it was filed thirty-six days after the district court's temporary order of March 10. Patsy further contends since Neal's application was untimely, the district court was without jurisdiction to consider it.

Our scope of review is for correction of errors at law. Iowa R. App. P. 4. While a motion to reconsider is not expressly found in the Iowa Rules of Civil Procedure,

it is still recognized in case law. Iowa Elec. Light & Power Co. v. Lagle, 430 N.W.2d 393, 396 (Iowa 1988). The label attached to a motion, however, is not determinative of its legal significance. Id. at 395. We must look to the content of the motion to determine its real nature. Id.

In considering Neal's application for reconsideration, we determine it is in substance a motion under Iowa Rule of Civil Procedure 179(b). A motion under rule 179(b) must be filed within the time allowed for a motion for a new trial. Iowa R. Civ. P. 179(b). A motion for a new trial must be made within ten days after the decision to which it pertains. Iowa R. Civ. P. 247. Because Neal's application to reconsider was filed thirty-six days after the district court's March 10 order, it was untimely and the district court was without jurisdiction to consider it.

REVERSED.