

IN THE COURT OF APPEALS OF IOWA

FILED

JUN 24 1980

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CLERK SUPREME COURT

IN RE THE MARRIAGE OF DIXIE LEE HASLEY AND EARL ANDREW HASLEY, JR.

Upon the Petition of	)	
DIXIE LEE HASLEY,	)	Filed June 24, 1980
Petitioner-Appellant,	)	
And Concerning	)	
EARL ANDREW HASLEY, JR.,	)	0-179
Respondent-Appellee.	)	2-64175

Appeal from Linn District Court - William R. Eads, Judge.

Petitioner-mother appeals from trial court order reducing the child support obligations of respondent-father in an action for modification of a dissolution of marriage decree between the parties. REVERSED.

Eugene J. Kopecky, Linn County Attorney, and Alan L. Harms, Assistant Linn County Attorney, of Cedar Rapids, Iowa, for petitioner-appellant.

Phillip D. Klinger of Klinger, Heckel & Robinson, Cedar Rapids, Iowa, for respondent-appellee.

Submitted to Oxberger, C.J., and Donielson, Snell, Carter and Johnson, JJ.

Petitioner-mother appeals from trial court order reducing the child support obligations of respondent-father in an action for modification of a dissolution of marriage decree between the parties. Pursuant to Iowa R. App. P. 4, our review is *de novo*.

The 1976 dissolution of marriage decree between the parties incorporated a stipulation requiring respondent to pay \$25 per week per child for the support of the parties' three minor children. On June 12, 1979, respondent applied for modification of this child support award alleging that he had had a decrease in income. Petitioner, who has assigned her child support to the Iowa Department of Social Services, resisted this application and filed a counter-application seeking an increase in the child support award. On September 19, 1979, the trial court modified the decree by decreasing the respondent's child support obligation to a total of \$225 per month.

The record shows both parties have been laid off by Wilson Foods since the dissolution decree was entered. Respondent's 1976 tax return shows a gross income of \$10,600. He estimated his 1978 net income at \$5,000, and projected his 1979 gross income to be about \$15,000. The petitioner has not worked since quitting her job at Wilson Foods for health reasons. She now receives A.D.C. payments of \$414 per month. Since 1976 her estimated expenses have risen from \$519 to \$742 per month.

Reviewing the record as a whole, we cannot find that there has been such a permanent, material and substantial change of circumstances since the date of the original decree to justify modification of respondent's child support obligation either upward or downward. Compare Mears v. Mears, 213 N.W.2d 511, 516-19 (Iowa 1973). We accordingly reverse the order from which appeal has been taken and remand for entry of order denying the application to modify of both parties.

REVERSED.