FILED
OCT 2 1981
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

IN RE THE MARRIAGE OF ELLIOTT D. FULL AND MERLE F. FULL

Upon the Petition of	)	
ELLIOTT D. FULL,	)	
Petitioner-Appellant,	)	Filed October 27, 1981
And Concerning	)	
MERLE F. FULL	)	1-259 2-65989
Respondent-Appellee.	)	

Appeal from Johnson District Court - L. Vern Robinson, Judge.

Petitioner husband appeals from denial of his application to modify alimony provisions of the parties' dissolution decree. REVERSED AND REMANDED.

Patricia C. Kamath, Iowa City, for petitioner-appellant.

Thomas Hobart of Meardon, Sueppel, Downer & Hayes, Iowa City, for respondent-appellee.

Considered by Oxberger, C.J., and Donielson, Snell, and Johnson, JJ. Carter, J., takes no part.

Petitioner husband appeals from denial of his application to modify alimony provisions of the parties' dissolution decree. Petitioner asserts that a material and substantial change of circumstances was shown when he sold his partnership interest in a radio station, and respondent obtained a law degree and employment as an assistant attorney general.

Our review of this equitable proceeding is de novo. Iowa R. App. P. 4. We reverse and remand trial court's judgment.

I.

The parties' twenty-three year marriage was dissolved by decree on October 28, 1971. The petitioner now seeks to modify the original decree's alimony provision which awarded respondent $200.00 per month in alimony. In 1971, respondent was a full-time housewife and mother. In 1975, when petitioner filed a previous unsuccessful action to modify, respondent had formed a private consulting firm, was earning approximately $3,000, and was accepted for a masters program at the University of Iowa. In re Marriage of Full, 255 N.W.2d 153, 159 (Iowa 1977).

On August 19, 1980, petitioner filed another application for modification, alleging as change of circumstances respondent's graduation from law school and employment as an assistant attorney general, and petitioner's sale of his partnership interest in a radio station. The application was denied on November 20, 1980. The court noted that the sale of the radio station was voluntary. Petitioner then filed this appeal.

II.

The petitioner, in an action for modification of the alimony provisions of a dissolution decree, has the burden to prove a change of circumstances by a preponderance of the evidence. Id., at 159. We believe he has met that burden in this case. The respondent was employed and accepted for a masters program at the time of the 1975 modification action. The fact that respondent was successful in obtaining both a masters degree, and a law degree, and is currently employed, is sufficient to find a change of circumstances. While it is true that respondent has sacrificed three years of income and expended some of her savings to further her education, she is now economically rehabilitated. There is no showing that she needs the alimony payments to maintain the life-style she became accustomed to in the marriage. We thus reverse the trial court's judgment denying petitioner's application and remand this case for entry of an order modifying the original decree to eliminate petitioner's alimony obligations.

REVERSED AND REMANDED.