

IN THE COURT OF APPEALS OF IOWA

No. 9-293 / 88-1631

FILED

AUG 23 1989

CLERK SUPREME COURT

**IN RE THE MARRIAGE OF SHIRLEY CAROL ENGLAND
AND BILLY JOE ENGLAND**

Upon the Petition of

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SHIRLEY CAROL ENGLAND,

Petitioner-Appellant,

And Concerning

BILLY JOE ENGLAND,

Respondent-Appellee.

Appeal from the Iowa District Court for Cass County,
Keith E. Burgett, Judge.

Petitioner challenges an order modifying her alimony
award. **AFFIRMED.**

C. R. Hannan of Perkins, Sacks, Hannan, Reilly &
Peterson, Council Bluffs, for petitioner-appellant.

Robert J. Laubenthal and F. E. Ebersold of Smith,
Peterson, Beckman & Willson, Council Bluffs, for
respondent-appellee.

Considered by Donielson, P.J., and Schlegel and
Sackett, JJ.

SACKETT, J.

The sole issue in this appeal is whether the trial court was correct in modifying a dissolution decree to reduce an alimony award from \$1,500 a month to \$750 a month. We affirm the trial court.

In 1984, when the marriage of petitioner-appellant Shirley Carol England and respondent-appellee Billy Joe England was dissolved, Billy, a medical doctor, had an adjusted gross income of approximately \$60,000 annually. Shirley, although holding a nursing degree, was not employed outside the home. She was suffering from emotional problems. There was no finding she was unemployable. In 1987 Shirley earned \$36,484 as a nurse. During that year Billy earned about \$80,000 from his medical practice. The trial court modified the alimony to decrease it to \$750 monthly.

Shirley contends the alimony award is not modifiable because the issue was litigated in the dissolution action and cannot be relitigated. This claim is without merit. Modifications of dissolution decrees are provided for under certain conditions by statute. Iowa Code § 598.21(8). The statute provides for modification of alimony awards. See also In re Marriage of Carlson, 338 N.W.2d 136, 140 (Iowa 1983).

Shirley next contends it was inequitable to modify the decree. We agree with the trial court Shirley's increase in earning from no earnings to nearly \$40,000 annually

significantly changes her need for alimony. The modification made is equitable. See Dworak v. Dworak, 195 N.W.2d 740, 741-42 (Iowa 1972).

AFFIRMED.