FILED
JAN 31 1978
CLERK SUPREME COURT

IN THE COURT OF APPEALS OF IOWA

IN RE THE MARRIAGE OF MARIANA SHARP REED and ROLAND ROBERT REED

Upon the Petition of	)	Filed January 31, 1978
MARIANA SHARP REED,	)	
Appellee,	)	
And Concerning	)	
ROLAND ROBERT REED,	)	356 2-58303
Appellant.	)	

Appeal from Polk District Court - A. B. Crouch, Judge.

Appeal from alimony provision of dissolution of marriage decree. Affirmed.

Robert O. Barnes, of Bertroche, Barnes & Hagen, of Des Moines, for appellant.

Mariana Sharp Reed, pro se.

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

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PER CURIAM

Respondent, Roland Robert Reed, appeals from the provision of a decree of marriage dissolution which provides alimony to petitioner, Mariana Sharp Reed. In resolving the issue as trier de novo on appeal, we have examined the entire record, giving weight to the findings of trial court, but not being bound by them. In re Marriage of Novak, 220 N.W.2d 592, 597 (Iowa 1974).

The criteria for determining an equitable award of alimony are set out in Schantz v. Schantz, 163 N.W.2d 398, 405 (Iowa 1968). Fault is not to be considered. In re Marriage of Williams, 199 N.W.2d 339 (Iowa 1972). Respondent's argument is that trial court improperly allowed considerations of fault to affect its decree. Specifically, he alleges that trial court improperly considered the fact that he was an alcoholic. Respondent also claims that his alcoholism has reduced his income earning capacity.

The record does not disclose any indication that trial court considered the fault concept. Rather, it appears that the court considered all of the proper criteria, including respondent's reduced earning capacity, in arriving at the alimony awarded in the decree.

Costs on appeal are taxed to respondent.

AFFIRMED.

OXBERGER, J., dissents.

OXBERGER, J. (dissenting)

I dissent. The equal division of the marital assets and the excellent employment record and career prospects of the petitioner wife render the trial court's award of alimony in this case unjustified.

Just before trial, the wife voluntarily left her position as an administrative assistant for an insurance firm where she was earning $600 each month. Her immediate supervisor testified she could easily have eventually earned in excess of $10,000 per year and that he urged her to stay. She testified at trial her expenses were $421 per month. Roland's income after taxes and payment of alimony will be less than Marina's. This record fails to establish the threshold need and disparity of income status that alimony redresses. I would reduce the trial court's award of alimony.