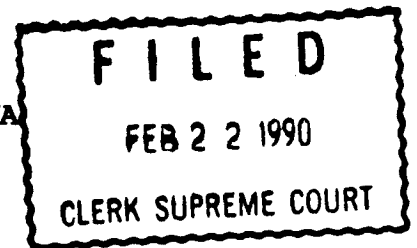


IN THE COURT OF APPEALS OF IOWA

No. 9-670 / 89-837



IN RE THE MARRIAGE OF SANDRA GAIL JOHNSON and ROBERT
THEODORE JOHNSON

121

Upon the Petition of

SANDRA GAIL JOHNSON, n/k/a SANDRA GAIL OLSON,

Petitioner-Appellant,

And Concerning

ROBERT THEODORE JOHNSON,

Respondent-Appellee.

Appeal from the Iowa District Court for Wapello County,
Richard J. Vogel, Judge.

Sandra appeals a district court order denying her
application for modification concerning child support.

AFFIRMED AND REMANDED WITH INSTRUCTIONS.

J. W. McGrath of McGrath & McGrath, P.C., Keosauqua,
for petitioner-appellant.

Richard J. Gaumer of Webber, Gaumer, Emanuel & Daily,
P.C., Ottumwa, for respondent-appellee.

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

PER CURIAM

The question in this appeal is whether the trial court was correct in its refusal to modify a child support award. We find appellant has failed to meet the burden required for modification. We affirm.

The parties were married in 1971 and their marriage was dissolved on December 15, 1986. One child, Hillary, was born May 17, 1974. Robert has two children from a prior marriage. At the time of the dissolution, the court found Sandra had health problems, was not currently working, and was receiving disability income which was due to expire. The court also found her doctor was of the opinion that her arthritis would go into remission. No alimony was ordered. Robert was ordered to pay \$75 per week in child support. He was also ordered to carry health insurance on Hillary. Sandra receives a disability pension from Metropolitan Life Insurance Company of \$1,143 per month, and social security disability of \$514 monthly. Apparently she was receiving these at the time of the dissolution.

Since the dissolution, appellant has had an increase of approximately \$200 in her monthly income. The increase is the result of a slight increase in her disability benefits and her receipt of \$149 in monthly social security benefits for Hillary. Robert's gross income has increased from \$622 per week to \$665 per week, giving him an increase of about \$200 a month. In addition to Hillary's support, Robert

pays \$75 per week to a college-age daughter from his first marriage. He is also helping a college-age son from the same marriage.

Sandra has not met the burden of showing a substantial change in circumstances. . See In re Marriage of Wahlert, 400 N.W.2d 557, 560 (Iowa 1987). We affirm the trial court's denial of modification.

Sandra contends the trial court erred in failing to rule on a motion she filed several days before trial requesting sanctions against Robert for failing to comply with discovery requests. The trial court indicated the motion would be considered with the modification. The decree denying the modification made no finding with reference to the motion for sanctions. We remand to the trial court to rule on the motion. We do not retain jurisdiction.

AFFIRMED AND REMANDED WITH INSTRUCTIONS.