

IN THE SUPREME COURT OF THE STATE OF DELAWARE

ALEXANDER JONES, ¹	§
	§ No. 541, 2015
Petitioner Below,	§
Appellant/Cross-Appellee,	§ Court Below—Family Court
	§ of the State of Delaware
v.	§
	§ File No. CN12-04851
ADRIANA JONES,	§ Petition Nos. 14-17806 and
	§ 15-09995
Respondent Below,	§
Appellee/Cross-Appellant.	§

Submitted: October 21, 2016

Decided: December 21, 2016

Before **STRINE**, Chief Justice; **VAUGHN**, and **SEITZ**, Justices.

ORDER

This 21st day of December 2016, upon consideration of the parties' supplemental submissions and the record below, it appears to the Court that:

(1) This appeal arises from a Family Court order that entered the parties' stipulation on property division, awarded Adriana Jones (“Wife”) alimony, and ordered Alexander Jones (“Husband”) to pay Wife an additional monthly amount for unpaid interim alimony. We found most of the Husband’s arguments on appeal without merit, but remanded for the Family Court to explain how it concluded that Wife's monthly medical expenses of \$300 and health insurance of \$715 were reasonable, or to make a determination of the reasonableness of the claim based

¹ The Court previously assigned pseudonyms to the parties under Supreme Court Rule 7(d).

upon an expanded record.² After the Family Court held a hearing to expand the record and issued an order with its findings, this matter was returned from remand.

(2) As to the health insurance expense, Wife testified that the cost of COBRA medical insurance through the Husband's employer was \$715 a month. Wife also testified that she was unable to pay for that insurance because Husband failed to pay alimony as ordered by the Family Court. Wife now receives medical benefits through Medicaid. Husband does not dispute that he has failed to pay Wife any alimony.

(3) We agree with the Family Court that Husband should not benefit from his refusal to pay alimony. As to Wife's out of pocket medical expenses, she submitted evidence of expenses amounting to \$143.57 per month. Under the circumstances, \$715 a month for health insurance and \$143.57 for out of pocket medical expenses is reasonable. This matter is remanded for the Family Court to calculate Husband's monthly alimony obligation with these expenses.

² *Jones v. Jones*, 2016 WL 4123920 (Del. Aug. 2, 2016).

NOW, THEREFORE, IT IS ORDERED that this matter is REMANDED to the Family Court for further proceedings consistent with this Order. Jurisdiction is not retained.

BY THE COURT:

/s/ Collins J. Seitz, Jr.
Justice