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**STATE OF MINNESOTA
IN COURT OF APPEALS
A11-189**

In re the Marriage of:
Sheryl Lynn Leonard,
n/k/a Sheryl Lynn Seaton, petitioner,
Respondent,

vs.

John Michael Leonard, Jr.,
Appellant

**Filed September 6, 2011
Affirmed
Klaphake, Judge**

Washington County District Court
File No. 82-F1-04-005359

Sean A. Shiff, Skolnick & Shiff, P.A., Minneapolis, Minnesota (for respondent)

Harold R. Wingerd, St. Paul, Minnesota (for appellant)

Considered and decided by Klaphake, Presiding Judge; Stoneburner, Judge; and Schellhas, Judge.

UNPUBLISHED OPINION

KLAPHAKE, Judge

Appellant John Michael Leonard, Jr., challenges the district court's order increasing his monthly child support obligation to respondent Sheryl Lynn Seaton, f/k/a Sheryl Lynn Leonard. Appellant argues that the district court's findings as to his income

were inadequate and that the record does not support the findings that the district court made, and that therefore the district court abused its discretion by modifying his support obligation.

Because the district court's findings are supported by record evidence and the district court did not abuse its discretion in its modification of child support, we affirm.

D E C I S I O N

We review the district court's determination of a request for child-support modification for an abuse of discretion. *Hesse v. Hesse*, 778 N.W.2d 98, 102 (Minn. App. 2009). We will not reverse the district court's decision unless its findings are clearly erroneous or the decision is against logic and the record evidence. *Id.* A substantial increase or decrease in the gross income of an obligor or obligee, if it renders the terms of the award unreasonable and unfair, permits the district court to modify a child support obligation. Minn. Stat. § 518A.39, subd. 2(a) (2010). There is a rebuttable presumption that a substantial change in circumstances that renders an award unreasonable and unfair has occurred if application of the child support guidelines results in a calculation at least 20% and \$75 higher or lower than the current support order. *Id.*, subd. 2(b)(1) (2010). Here, if the district court's calculation of appellant's gross income was correct, the resulting change in child support obligation is greater than 20% and \$75 per month. The question presented here is not whether there was a substantial change in circumstances, but whether the district court properly determined appellant's gross monthly income.

Appellant argues that the district court erred by failing to “clearly identif[y] the existing financial changes mandating a substantial change” and by failing to “provide evidentiary support or specific findings of fact supporting its calculation.” Our review of its order shows that the district court made findings on the parties’ income at the time of the previous support order issued in 2007 and respondent’s current income, none of which appellant disputes. Further, the district court identified the basis for its determination of appellant’s current gross monthly income:

This Court finds that [appellant] has a gross monthly income of \$9,778.00. This is calculated by using the information listed in [respondent’s] Exhibit F. The Court has determined [appellant’s] gross income based upon the first four months of 2010, which appears to be the most accurate information available. The gross compensation [appellant] received from [his employer] for those months was \$39,113.00/4 months = \$9,778.00 per month.

This finding, if correct, is sufficient to support the district court’s determination.

Appellant argues that these findings are inadequate because they do not identify “either the source or amount of [appellant’s] additional income.” By this, appellant appears to argue that the district court should not have included his benefits in the calculation of gross income. But gross income, which is the basis for a support obligation calculation, includes “[s]alaries, wages, commissions, or other compensation paid by third parties . . . based on gross income before participation in an employer-sponsored benefit plan” and deductions are not permitted for contributions to pensions, 401-K accounts, IRA accounts or other retirement benefits. Minn. Stat. § 518A.29(a) (2010). Gross income does not include certain items: child support payments received by

a party, a spouse's income, or public assistance benefits. Minn. Stat. § 518A.29(e), (f), (h) (2010). It also does not include compensation received for overtime, if certain conditions are met. Minn. Stat. § 518A.29(b) (2010). But appellant does not assert that his increased income is due to these other items or to overtime; exhibits provided to the court demonstrate that appellant received a raise to an hourly wage of \$60.85, as of November 2009; this is consistent with his wage statements and provides an explanation for the increased gross income.

We acknowledge that the district court relied on wage statement summaries for the first four months of 2010 rather than on pay stubs for the three months immediately preceding respondent's modification motion. *See* Minn. Stat. § 518A.28(a) (2010) (directing parties to a support action to provide, among other things, pay stubs for most recent three months). This statute sets forth a standard that underlines the importance of providing up-to-date financial information to assist the district court in making its determination. From our review of the record, however, the most recent pay stubs were incomplete and the district court properly relied on the wage statement summaries from the months immediately preceding the incomplete pay stubs, which were complete. This was not an abuse of discretion. *See Hesse*, 778 N.W.2d at 102 (stating that a district court abuses its discretion when it makes a support order that is against logic and the facts on the record). Appellant argues that the district court may have included fringe benefits in its calculation of gross income that should not be included but appellant failed to raise this issue before the district court. We generally will only consider issues presented to and considered by the district court. *Toth v. Arason*, 722 N.W.2d 437, 443 (Minn. 2006).

“Findings should assure that the relevant statutory factors have been addressed, satisfy the litigants that their case was fairly resolved, and permit reasoned appellate review.” *Hesse*, 778 N.W.2d at 104. The findings here identify a substantial change in circumstances, are supported by record evidence, and set forth the district court’s reasoning in arriving at a support obligation figure. Under these circumstances, we conclude that the district court did not abuse its discretion in its modification of appellant’s support obligation.

Affirmed.