

STATE OF MICHIGAN
COURT OF APPEALS

CONSTANCE RENEE RANGLES,

Plaintiff/Counter-Defendant-
Appellant,

v

JERRY RANGLES,

Defendant/Counter-Plaintiff-
Appellee.

UNPUBLISHED
September 13, 2007

No. 271795
Wayne Circuit Court
LC No. 05-520214-DO

Before: Markey, P.J., and Saad and Wilder, JJ.

PER CURIAM.

Plaintiff appeals from circuit court order supplementing a judgment of divorce to include an award of alimony to defendant. We reverse.

The court may require a party to pay alimony “for the suitable maintenance of the adverse party” MCL 552.13. An award of alimony is within the trial court’s discretion. *Demman v Demman*, 195 Mich App 109, 110; 489 NW2d 161 (1992). “A court may award alimony in a divorce action ‘as it considers just and reasonable,’ after considering the ability of either party to pay, the character and situation of the parties, and all other circumstances of the case.” *Id.* (citation omitted). The main objective of alimony is to balance the incomes and needs of the parties in a way that would not impoverish either party. *Hanaway v Hanaway*, 208 Mich App 278, 295; 527 NW2d 792 (1995). Alimony is to be based on what is just and reasonable under the circumstances. *Moore v Moore*, 242 Mich App 652, 654; 619 NW2d 723 (2000).

This Court reviews the trial court’s findings of fact for clear error. A finding is clearly erroneous if this Court is left with a definite and firm conviction that a mistake has been made. If this Court upholds the factual findings, it must decide whether the dispositional ruling was fair and equitable in light of those facts. This Court will not reverse the trial court’s dispositional ruling absent a firm conviction that it was inequitable. *Id.* at 654-655; *Magee v Magee*, 218 Mich App 158, 161-162; 553 NW2d 363 (1996).

The trial court determined that defendant required temporary alimony. Its determination was based principally on the finding that defendant was unemployed and without income because he was illiterate and therefore required financial assistance until he had an opportunity to become literate and thus employable. The evidence showed that defendant was not unemployed.

He testified that he was working 20 hours a week at a car wash and had a net income of \$103 a week. He also received state aid in the form of food stamps. Further, there was no evidence that defendant's illiteracy prevented him from working. Defendant testified that he believed that no one would hire him because he could not read. However, it is undisputed that despite his illiteracy he had worked full-time until 1998 when the company he worked for went out of business and that he worked at various part-time jobs thereafter, including the recently obtained job at the car wash and other odd jobs. Defendant claimed that he was unable to work primarily due to crippling back pain, but the court specifically found that defendant was not physically disabled. Because the trial court's factual findings are clearly erroneous, it erred in awarding alimony.

Reversed.

/s/ Jane E. Markey
/s/ Henry William Saad
/s/ Kurtis T. Wilder