

35291

JUL 28 2009 pb

IN THE CIRCUIT COURT OF BRAXTON COUNTY, WEST VIRGINIA

IN RE:

THE MARRIAGE OF:
JEFFREY E. SKIDMORE,
Petitioner-Appellant,

and

Civil Action No

<p>FILED</p> <p>AUG 28 2009</p> <p>123 RORY L. PERRY, II, CLERK SUPREME COURT OF APPEALS OF WEST VIRGINIA</p>
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CRYSTAL L. ROGERS,
Respondent-Appellee,

ORDER REFUSING APPEAL

This Court having received the written petition of Jeffrey E. Skidmore, by counsel, to the order entered by the Family Court on March 30, 2009, as to modification of child support, and, the Court having reviewed the aforesaid order of modification, the Court is of the opinion that this appeal should be refused.

The Court notes that although the petitioner asserts various errors in this case, this court affirmed the family court's order as to the modification of the parenting plan, thus making the issue of failure by the family court to continue the modification of child support hearing, filed by the mother, moot.

The Court further notes that the mother has insurance pursuant to her federal employment, the father pursuant to his state employment and that it is within the discretion of the family court to evaluate those plans and determine which insurance coverage is in the best interest of the child and that absent an abuse of discretion, this court cannot substitute its judgment for that of the family,

Therefore, it does not appear to the Court that the Family Law Judge abused his discretion, as to the application of law to the facts, or that any of his factual findings are clearly

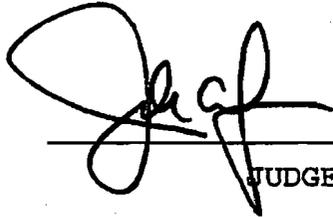
erroneous, and that this Court does not have the authority to impose its judgment for that of the Family Court, even though it may arrive at a different result.

It is accordingly **ADJUDGED** and **ORDERED** that, in accordance with the provisions of West Virginia Code 51-2A-14, the petition is **REFUSED**, and this matter is stricken from the active docket of this Court.

The parties' objections and exceptions, are noted by the Court.

The Clerk of this Court shall send certified copies of this Order to counsel for the parties and to the Family Law Judge.

Enter this 2 day of July, 2009.



JUDGE

STATE OF WEST VIRGINIA
COUNTY OF BRAXTON, to-wit:

I, W.M. Morris, Circuit Clerk, do hereby certify that the foregoing is a true and accurate copy of an Order of record in my office in _____
Order Book No. _____ at page _____ as taken from the records.
Given Under My Hand this 20th day of July, 2009


CIRCUIT CLERK