

IN THE COURT OF APPEALS OF TENNESSEE
AT KNOXVILLE
October 4, 2000 Session

ROBERT CARL COVERT v. KIMBERLY MARIE BRUGGER COVERT

Appeal from the General Sessions Court for Blount County
No. S-5149

FILED DECEMBER 27, 2000

No. E2000-00864-COA-R3-CV

CHARLES D. SUSANO, JR., J., concurring.

I concur in the majority's decision to affirm the trial court's judgment. I agree with the majority that Father's severance pay falls within the ambit of the language of Section 15 of the parties' MDA. Under the circumstances of this case, I do not believe that Father's severance pay should be considered as income for child support purposes. In this regard, I again agree with the majority; however, I disagree with the suggestion in the majority opinion that even if the severance pay were considered to be income, there would be a sufficient basis in law for ignoring it when calculating child support. *Cf. Jones v. Jones*, 930 S.W.2d 541, 543-546 (Tenn. 1996). While I believe the trial court reached the right result in setting child support, I disagree with that court's reasoning on the deviation issue.

Except as noted in this separate opinion, I concur in the majority opinion.

CHARLES D. SUSANO, JR., JUDGE