

STATE OF MICHIGAN
COURT OF APPEALS

PAMELA DULLINGER,

Plaintiff-Appellant,

v

ALOYSIUS DULLINGER,

Defendant-Appellee.

UNPUBLISHED

September 17, 1996

No. 185382

LC No. 92-019347-DM

Before: Cavanagh, P.J., and Murphy and C.W. Simon, Jr.,* JJ.

PER CURIAM.

Defendant and plaintiff were divorced on February 28, 1994. Plaintiff appeals as of right the trial court's refusal to grant her alimony and its distribution of the marital assets. We affirm.

Plaintiff first argues that the trial court should have granted her request for alimony. We disagree. Although plaintiff has not held a full-time and permanent position of employment during the duration of the marriage, ample evidence demonstrated that she is capable of working. Additionally, at the time of divorce, plaintiff was merely thirty-one years old and in good health. These factors lead us to conclude that the trial court did not err in denying plaintiff alimony. *Demman v Demman*, 195 Mich App 109, 110-111; 489 NW2d 161 (1993). We are not persuaded that plaintiff is left impoverished under the judgment of divorce granted by the trial court. *Hanaway v Hanaway*, 208 Mich App 278, 295; 527 NW2d 792 (1995).

Plaintiff next argues that the trial court failed to award her an equitable portion of defendant's pension benefits because the true value of defendant's pension was not proven at trial. However, plaintiff and defendant stipulated that his pension's value was approximately \$6,800. Stipulations of fact, put on the record in open court, are binding. *Eaton Bd of Rd Comm'rs v Schultz*, 205 Mich App 371, 379; 521 NW2d 847 (1994). Additionally, reversible error must be that of the trial court and not error to which the aggrieved party contributed by plan or negligence. *Smith v Musgrove*, 372 Mich 329, 337; 125 NW2d 869 (1964). Thus, plaintiff's argument is without merit. Further, where plaintiff failed to allege below that she was due a portion of defendant's future social security benefits, that argument is also unpersuasive.

Finally, plaintiff argues that the trial court's distribution of the marital assets was based on an erroneous finding that a certain loan had not been repaid. In light of the conflicting testimony presented at trial, we are not persuaded that the trial court was clearly erroneous in so finding nor are we left with the firm conviction that the distribution was inequitable. *Hanaway, supra*, 208 Mich App 292.

Affirmed

/s/ Mark J. Cavanagh

/s/ William B. Murphy

/s/ Charles W. Simon, Jr.