

STATE OF MICHIGAN
COURT OF APPEALS

KATHERINE STRUBLE,
Plaintiff-Appellee,

v

DAVID STRUBLE,
Defendant-Appellant.

UNPUBLISHED
September 6, 2007

No. 268763
Ionia Circuit Court
LC No. 05-024336-DO

Before: Bandstra, P.J., and Cavanagh and Jansen, JJ.

JANSEN, J. (*concurring in part and dissenting in part*).

I concur with the majority's decision concerning the disposition of the marital estate. I dissent, however, from the majority's decision to affirm the award of lifetime spousal support for plaintiff. At the time of the divorce, plaintiff was a healthy 44-year-old woman. The parties had been married for only 3 ½ years. I fully recognize that plaintiff has a limited wage-earning capacity and will now have to purchase her own medical insurance. I also recognize that defendant was apparently at fault in causing the breakdown of the marriage. However, I conclude that the trial court's award of permanent alimony for plaintiff was inequitable. See *Magee v Magee*, 218 Mich App 158, 164; 553 NW2d 363 (1996). I am convinced that a specific award of temporary, rehabilitative alimony in this case would have been much more equitable than a general award of lifetime spousal support. Such an award would have allowed plaintiff to pursue the necessary education or training to obtain a greater income, but would not have been disproportionately large in relation to the overall length of the parties' short marriage.

/s/ Kathleen Jansen