

COURT OF APPEALS OF OHIO, FIFTH APPELLATE DISTRICT,
TUSCARAWAS COUNTY

Robinson v. Robinson

2026-Ohio-723 · No. 2025 AP 070026 · Decided March 3, 2026

SUMMARY

The Fifth District Court of Appeals affirmed in part, reversed in part, and remanded a divorce judgment involving child support, division of equity in a marital residence held under a land installment contract, and division of pension and Social Security benefits. The court upheld the child-support obligation and installment payment arrangement but remanded for the trial court to address the applicability of the Social Security Fairness Act to the pension-benefit setoff.

CASE DETAILS

COURT	Court of Appeals of Ohio, Fifth Appellate District, Tuscarawas County
WRITING FOR THE COURT	Andrew J. King, P.J.; William B. Hoffman, J.; Kevin W. Popham, J.
JURISDICTION	Ohio Court of Appeals, Fifth Appellate District, Tuscarawas County
DECIDED	March 3, 2026
DOCKET	2025 AP 070026
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Both parties appealed the Tuscarawas County Court of Common Pleas judgment adopting and modifying a magistrate's divorce decision. The wife challenged the child-support obligation and the delayed payment of her marital-residence equity; the husband cross-appealed the setoff of his Social Security benefits against the value of the wife's public pension.
STANDARD OF REVIEW	Child-support orders and the overall appropriateness of a divorce property division are reviewed for abuse of discretion. An abuse of discretion is an attitude that is unreasonable, arbitrary, or unconscionable. The appellate court also reviewed the failure to rule on the legal objection requiring remand.
PRECEDENTIAL VALUE	Published Ohio appellate opinion
PARTIES	Sarah L. Robinson, Jason M. Robinson, as cross-appellant v. Jason M. Robinson, Sarah L. Robinson, as cross-appellee

TOPICS

dissolution of marriage

child support

equitable distribution

standard of review

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PRACTICE AREAS

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QUESTIONS PRESENTED

1. Whether the trial court abused its discretion by requiring the husband to pay the wife's equitable interest in the marital residence over approximately eight years without interest.
2. Whether the trial court abused its discretion by designating the wife as the child-support obligor and imposing a reduced child-support obligation under the shared-parenting plan.
3. Whether the trial court erred by applying a setoff of the husband's Social Security benefits against the value of the wife's public pension without addressing the husband's objection based on the Social Security Fairness Act.

HOLDINGS

1. The trial court did not abuse its discretion by designating the wife as the child-support obligor and imposing a monthly obligation of \$351.92 under the shared-parenting arrangement.
2. The trial court did not abuse its discretion by ordering the husband to pay the wife's equitable interest in the marital residence through monthly installments over approximately eight years and without mandatory interest.
3. The trial court erred by failing to rule on the husband's legal objection asserting that the Social Security Fairness Act affected the setoff of his Social Security benefits against the wife's public pension.

KEY QUOTATIONS

"Abuse of discretion" means an attitude that is unreasonable, arbitrary or unconscionable." (§ 12)

"We therefore decline to hold that a trial judge is obligated as a matter of law to mandatorily affix interest to those monetary obligations which arise out of a property division upon divorce." (§ 28)

FACTUAL BACKGROUND

The parties married in 2006, had one child in 2014, and agreed to a shared-parenting plan but disputed child support and property division. The marital residence had been acquired under a land installment contract, and the magistrate found that the husband had minimal excess income or assets and no viable means to pay the wife's equitable share immediately or to force a sale or obtain a mortgage. The wife retained a public pension with a marital value greater than the husband's Social Security benefit, and the magistrate applied a setoff. After the Social Security Fairness Act was enacted while the case was pending, the husband objected that the Act affected the basis for that setoff, but the trial court did not rule on the objection.

PROCEDURAL HISTORY

The husband filed for divorce on June 12, 2023. After six magistrate hearings in 2024, the magistrate recommended child support, an equitable division of the marital residence, a pension-related setoff, and installment payments to the wife. Both parties objected, but neither supplied the hearing transcripts or an affidavit. On June 4, 2025, the trial court adopted the magistrate's decision with a modification crediting the husband for retroactive child support. The appellate court affirmed the rulings challenged by the wife, but reversed and remanded because the trial court failed to rule on the husband's legal objection concerning the Social Security Fairness Act.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The Tuscarawas County Court of Common Pleas must consider the applicability of the Social Security Fairness Act and determine whether it affects the divorce order and the setoff of the husband's Social Security benefits against the wife's public pension. The judgment was affirmed in part and reversed in part.

CASES CITED

- *Morrow v. Becker*, 2013-Ohio-4542, ¶ 9
- *Booth v. Booth*, 44 Ohio St.3d 142, 144 (1989)
- *Huffman v. Hair Surgeon, Inc.*, 19 Ohio St.3d 83, 87 (1985)
- *AAAA Enterprises, Inc. v. River Place Community Urban Redevelopment Corp.*, 50 Ohio St.3d 157, 161 (1990)
- *Sexton v. Sexton*, 2007-Ohio-6539, ¶ 12 (10th Dist.)
- *Alsup v. Alsup*, 2026-Ohio-233, ¶¶ 20-21 (5th Dist.)
- *Basil v. Vincello*, 50 Ohio St.3d 185 (1990)
- *Cherry v. Cherry*, 66 Ohio St.2d 348 (1981)
- *Koegel v. Koegel*, 69 Ohio St.2d 355, 357 (1982)