

Essinger-Hileman v. Pby of Redstone,

Remedial Case 213-7,

12.1106

DOUGLAS J. ESSINGER-HILEMAN

Complainant/Appellant

v.

PRESBYTERY OF REDSTONE Respondent/Appellee

Order of Dismissal

12.1107

This remedial case has come before this Commission on appeal by Douglas J. Essinger-Hileman (Appellant) from a decision of the Permanent Judicial Commission of the Synod of the Trinity. Pursuant to D-8.0301, the Moderator and Clerk of the General Assembly Permanent Judicial Commission have made a preliminary determination that this remedial case grew out of a disciplinary case in process. The holdings of this Commission in Veldhuizen v. Presbytery of San Francisco (Minutes, 1994, p. 139), Evans v. Presbytery of Lake Michigan (Minutes, 1995, p. 121), San Mateo Korean P. C. v. Presbytery of San Francisco (Minutes, 1997, p. 141), and Cook v. Presbytery of East Tennessee (Minutes, 1999, p. 838) that a remedial case cannot be used to attack the procedures in a disciplinary case require that the case be dismissed, and that the finding of the Synod PJC be affirmed. Errors in the process of a disciplinary case may be grounds for appeal of a disciplinary case, but cannot be the basis for a remedial case.

12.1108

In addition, the adoption of amendments to Chapter X of the Rules of Discipline, effective in 2000, now allow procedures for challenging the investigative process within the disciplinary case process.

12.1109

The Commission has examined the papers in this matter and affirms the findings of the officers. Therefore, the complaint is dismissed.

12.1110

Dated this 4th day of February, 2001.