PERMANENT JUDICIAL COMMISSION
OF THE GENERAL ASSEMBLY
PRESBYTERIAN CHURCH (U.S.A.)

Rev. Patrick Laney, **Appellant/Complainant,**	(	**Decision and Order** **Remedial Case 223-02**
v.	(	
Presbytery of North Alabama, **Appellee/Respondent.**	(	

Arrival Statement

This is an appeal to the General Assembly Permanent Judicial Commission (the GAPJC or this Commission) from an August 4, 2016, Decision and Order on Motion to Dismiss of the Permanent Judicial Commission of the Synod of Living Waters (SPJC). In that Decision, the SPJC granted Appellant's (originally the Complainant's) Motion to Dismiss. Appellant appealed the SPJC's dismissal of the Complaint to the GAPJC.

Jurisdictional Statement

This Commission finds that it has jurisdiction, Appellant has standing to file this appeal, the appeal was properly and timely filed, and the appeal states one or more grounds for appeal under *Book of Order* D-8.0105.

Appearances

David L. Stephens appeared on behalf of Appellant. L. Tennent Lee, III, and Teaching Elder Thomas Lewis, III, appeared on behalf of Appellee.

History

This case arises from Appellant's allegation of errors by the SPJC in its decision to dismiss a remedial complaint against the North Alabama Presbytery (NAP) for denying Appellant's request to be restored to his position as Executive Director of Maranatha Camp and Conference Center (Executive Director).

Appellant, Teaching Elder Patrick Laney, was called to the NAP executive staff position of Executive Director on August 1, 2014; the position did not require a teaching elder. He was received into Presbytery membership and began work on October 21, 2014. Conflict with the Maranatha Mission Team arose shortly thereafter and later between Appellant and Presbytery committees and the Executive Presbyter. These conflicts continued unabated through various attempts at reconciliation and counseling. The Presbytery Personnel Committee terminated his employment on August 3, 2015. Presbytery rescinded that action and restored him as Executive Director on August 24, 2015.

Appellant ceased working at the Maranatha Camp and Conference Center (Maranatha Camp) on December 1 and on December 6, 2015, formally requested his relationship with Presbytery and employment as Executive Director be "dissolved" subject to approval of a proposed severance package. He was placed on medical leave on December 15, 2015. The Presbytery Personnel Committee subsequently offered a severance package in return for Appellant's resignation. He did not respond to the Committee and on December 23, 2015, his wife referred the Committee to Appellant's legal counsel.

The Presbytery Personnel Committee terminated Appellant's employment on January 12, 2016. Appellant filed a complaint against Presbytery that was received by the Synod on January 27, 2016, requesting a stay of enforcement of the termination, and that the Synod "provide for a true process of healing and reconciliation" between Appellant and NAP. The SPJC granted a stay on January 29, 2016, which was modified on March 30 and remained in effect until August 4, 2016.

The Presbytery, at a special meeting on April 9, 2016, voted to (i) suspend operations at the Maranatha Camp effective May 10; (ii) eliminate all staff positions at Maranatha Camp, retaining any staff necessary to wind down the Camp's operation; and (iii) commend the Executive Presbyter for her actions regarding the Maranatha Camp and its personnel.

The Presbytery filed a motion to dismiss the complaint on May 5, 2016. Following Appellant's attempt to amend the complaint and an additional motion to dismiss, as well as other filings, the SPJC held a hearing and granted the motion to dismiss through its Decision and Order dated August 4, 2016.

A Notice of Appeal and Request for Stay of Enforcement of the Decision of the SPJC was received by this Commission on August 17, 2016. On September 8, 2016, the GAPJC entered a stay of enforcement in accordance with *Book of Order* D-6.0103d(2), which restored the terms of the SPJC's Order Denying in Part and Granting in Part a Request to Lift Stay of Enforcement. On September 23, 2016, Appellee filed a Request to Lift the Stay of Enforcement. Following a hearing on December 8, the Request was denied on December 13, 2016.

Specifications of Error

Specification of Error No. 1: The SPJC erred in concluding that the appellant's remedial action should be dismissed for failure to state a claim upon which relief could be granted pursuant to D-6.0305d of the Book of Order. This specification of error is sustained (see Decision below).

Specification of Error No. 2: The SPJC erred in its failure to apply the appropriate provisions of the Book of Order*, in its failure to apply the correct sections of appellee's Manual of Administrative Operations to the facts of the case, and in its failure to recognize fatal contradictions to constitutional procedure in the appellee's Personnel Manual and the job description given to the appellant consistent with* Book of Order *G-3.0106 and G-3.0110, and in the process the SPJC created injustice in the process and decision and committed errors of constitutional interpretation.* In light of the decision on

Specification of Error No. 1, this Commission does not reach a decision regarding this specification of error (see Decision below).

Decision

The SPJC erred in granting the motion to dismiss. The SPJC made a finding in its Decision and Order on Motion to Dismiss that the Complaint, as originally filed, stated a claim upon which relief could be granted. While acknowledging that the SPJC "would move forward to a trial" if it were possible to grant relief, the SPJC addressed only two remedies and concluded that "as a result of the Presbytery's actions on April 9, 2016, there is no longer any relief which can be granted."

While some of Presbytery's actions cannot be undone, the SPJC may exercise its declaratory authority to provide future guidance to Presbytery. *See generally* (*Wilber Tom, David Hawbecker, and Thomas Conrad v. Presbytery of San Francisco,* 2012, 221-03).

In rendering this decision, this Commission concludes that the Complaint states a claim upon which relief can be granted and the SPJC has the authority to grant relief as appropriate. This Commission makes no determination of the merits of this case or whether Appellant will be able to prove the facts he alleges in his Complaint. *See generally (Janet E. Wolfe v. Presbytery of Winnebago,* 2008, 219-04).

Order

IT IS THEREFORE ORDERED that the Decision of the Synod of Living Waters Permanent Judicial Commission is hereby reversed and the case remanded for further proceedings consistent with this Commission's Decision.

IT IS FURTHER ORDERED that the Stated Clerk of the Presbytery of North Alabama report this Decision to the Presbytery of North Alabama at the first meeting after receipt, that the Presbytery of North Alabama enter the full Decision upon its minutes, and that an excerpt from those minutes showing entry of the Decision be sent to the Stated Clerk of the General Assembly.

IT IS FURTHER ORDERED that the Stated Clerk of the Synod of Living Waters report this Decision to the Synod of Living Waters at the first meeting after receipt, that the Synod of Living Waters enter the full Decision upon its minutes, and that an excerpt from those minutes showing entry of the Decision be sent to the Stated Clerk of the General Assembly.

Absences and Non-Appearances

Commissioner Robin Roberts was recused from this appeal and did not participate in the hearing or deliberations

Certificate

We certify that the foregoing is a true and correct copy of the Decision of the Permanent Judicial Commission of the General Assembly of the Presbyterian Church (U.S.A.) in Remedial Case 223-02, Rev. Patrick Laney, Appellant v. Presbytery of North Alabama, Appellee, made and announced at San Antonio, TX, this 26th day of February, 2017.

Dated this 26th day of February, 2017.