**Malcolm v. Ad. Council on Ch. & Soc.,**
**Remedial Case No. 199-3,**
**11.075c**

DOROTHY M. MALCOLM
Complainant
vs.
ADVISORY COUNCIL ON CHURCH AND SOCIETY
OF THE GENERAL ASSEMBLY OF THE PRESBYTERIAN
CHURCH (U.S.A.)
Respondent

The Permanent Judicial Commission, having fully reviewed this remedial case, enters this order in full and final dismissal and disposition of this matter.

The complaint as originally filed alleges misconduct upon the part of the Advisory Council on Church and Society as well as several individuals. It requests relief which available only through disciplinary process.

The first issue to arise in connection with this complaint is that of the complainant's standing to file a complaint. The original papers in the case were filed by Mrs. Malcolm and Dr. Glenn E. Burress. The Permanent Judicial Commission notes that Dr. Burress was not a member of the Presbyterian Church (U.S.A.) at the time of filing and, consequently, had no standing to initiate judicial process because he was not "subject to and submitting to the jurisdiction of a governing body." (D-6.0500.) Further, Mrs. Malcolm has no standing to bring a disciplinary case against the initial respondents before this Judicial Commission. Such an action must be brought before the governing bodies which have jurisdiction over the individuals named in the complaint. (D-7.0300.)

Mrs. Malcolm does have standing to bring a remedial case against the Advisory Council on Church and Society, an agency of the General Assembly, as outlined in D-6.0500g. Such a complaint must relate to "injury or damage to person or property" suffered by the complainant at the hands of a governing body or of an agency of the General Assembly.

During the pretrial hearing, On April 2, 1987, the complainant was allowed to amend her complaint to bring it within the scope of a remedial process. The amended complaint alleges that the Advisory Council on Church and Society was remiss in failing to hold a hearing between two conflicting schools of social science before an impartial board of arbitration and requests that the Permanent Judicial Commission order such a hearing.

After a thorough review of this matter, the Permanent Judicial Commission of the General Assembly finds that the complaint does not state a cause of action upon which relief can be granted or which calls for the proper exercise of any authority vested in the Permanent Judicial Commission. It is therefore dismissed.

The Rev. Robert Craghead and Elder Evelyn Reddin were not present and did not vote.