Hoover v. Pby of Catawba,
Remedial Case No. 200-3,

THOMAS B. HOOVER

Complainant/Appellant
vs.
PRESBYTERY OF CATAWBA
Respondent/Appellee

This is a remedial case on appeal arising from a complaint brought by Thomas B. Hoover against the Presbytery of Catawba.

The commission has jurisdiction, the parties have standing, the appeal has been brought to this commission in a timely fashion, and the complaint states a claim upon which relief can be granted.

While Dr. Hoover's appeal to this commission does not state a specific relief sought, it appears from his specification of errors he seeks a rehearing before the synod's permanent judicial commission. This prayer for relief from the General Assembly's Permanent Judicial Commission seems to be founded on Dr. Hoover's belief that the Presbytery of Catawba has committed acts of prejudicial discrimination against him, and that the synod's permanent judicial commission refused to receive evidence on this issue.

This commission finds that synod's permanent judicial commission did not determine the question of whether Dr. Hoover stated a claim upon which relief could be granted.

This commission has great concern regarding two specifications of error raised by appellant; namely, (1) synod's permanent judicial commission's failure to cite requested witnesses (D-8.0500), and (2) synod's permanent judicial commission's failure to obtain and receive relevant documentary evidence (D-9.0100).

It is therefore ordered that the case is remanded to the Synod of Piedmont's Permanent Judicial Commission for the following considerations:

(a) To determine, assuming the truthfulness of the complaint, whether it states a claim upon which relief may be granted, and if so, the Synod's Permanent Judicial Commission shall then hold a hearing by December 31, 1987, in which Dr. Hoover shall be accorded reasonable access to compelled testimony by means of citations to be issued according to the *Book of Order* (D-8.0500 and D-9.0100).

(b) If it determines that inquiry in the negative, it may take appropriate action of dismissal.

The Reverend James Angell and the Reverend Milton Carothers, members of the commission, were not present and took no part in the proceedings.