

**Hoover v. Synod of the Piedmont.
Remedial Case 201-1,
11.076**

**THOMAS B. HOOVER,
Complainant/Appellant
v.
SYNOD OF THE PIEDMONT,
Respondent/Appellee**

This case comes now to be heard upon the complaint of Thomas B. Hoover, Complainant in the Remedial Case 200-3 (San Diego, September 6, 1987), alleging that the Synod of the Piedmont permanent judicial commission failed or refused to hold a hearing by December 31, 1987, as ordered by this Commission in its Remand of the case styled *Thomas B. Hoover v. Presbytery of Catawba* (Remedial Case 200-3).

This Commission rules that it has jurisdiction, the Appellant has standing to appeal, the appeal papers were properly and timely filed, and the appeal is in order.

Upon consideration of the pleading and exhibits filed, the oral presentation of Mr. Hoover, the argument of Complainant's attorney, both being present and in person and no appearance being made by representatives of the Synod of the Piedmont permanent judicial commission, or its successors, this Commission finds that the Synod of the Piedmont permanent judicial commission failed to carry out properly the actions as ordered by this Commission in Remedial Case 200-3, *Thomas B. Hoover v. Presbytery of Catawba*.

It appears from the record that Mr. Hoover is a retired minister, that he has historically claimed to be eligible as a beneficiary of the Kate Bitting Reynolds Trust Fund, that he has claimed various presbyteries have failed to act properly to provide the necessary certification to the Trustee of the Trust Fund so as to enable him to benefit under its terms, that Mr. Hoover has pursued his claims to this Commission on at least two occasions, the last case being Remedial Case 200-3, wherein this Commission remanded the case to the Synod of the Piedmont permanent judicial commission and ordered it to take the following action:

(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 of permanent judicial commission shall then hold a hearing by December 31, 1987, in which Mr. 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.

In that decision, this Commission also stated that it was particularly concerned about two of the specifications of error raised by Appellant: namely, (1) the Synod of the Piedmont permanent judicial commission's failure to cite requested witnesses (D-8.0500); and (2) the synod permanent judicial commission's failure to obtain and receive documentary evidence (D-9.0100).

Finding that the Synod of the Piedmont permanent judicial commission failed or refused

to act property[sic] upon the order of this Commission in Remedial Case No. 200-3, it is
THEREFORE ORDERED that:

1. The Synod of the Mid-Atlantic (successor in interest to the Synod of the Piedmont) shall within 30 days of receipt of the is order by the stated clerk of the synod, through its appropriate certification committee, hold a hearing to consider all of the evidence of Mr. Hoover, presently a member of the Presbytery of Charlotte, and the presbyteries in which he alleges qualifying services as to this eligibility for certification as a beneficiary of the Kate Bitting Reynolds Trust Fund;

2. Within 45 days of the receipt of this order by the stated clerk of the synod, the synod, through its appropriate certification committee, shall report its findings to the Trustees of the Kate Bitting Reynolds Trust Fund;

3. The stated clerk of the Synod of the Mid-Atlantic send to the General Assembly Permanent Judicial Commission a certified copy of the minutes of the appropriate certification committee, within 10 days after the meeting of the committee. The minutes shall include itemization of evidence heard together heard together with the findings of the appropriate certification committee and the reasons for its final determination;

AND IT IS FURTHER ORDERED that this case is continued on the docket at the next regular meeting of this Commission in May 1989, to receive the report as above ordered.

The Reverend Wallace N. Jamison, a member of this Commission, was not present and took no part in the proceedings.

Signed and dated the 4th day of February 1989.

**Hoover v. Synod of the Piedmont, Concluded,
Remedial Case 201-1,
11.077**

**THOMAS B. HOOVER,
Complainant/Appellant
v.
SYNOD OF THE PIEDMONT,
Respondent/Appellee**

This case is now before the Commission on continuance from its meeting of February 3-4, 1989. At that meeting this Commission issued an order to the Synod of the Mid-Atlantic (successor in interest to the Synod of the Piedmont) directing that:

1. The Synod of the Mid-Atlantic (successor in interest to the Synod of the Piedmont) shall within 30 days of receipt of this order by the stated clerk of the synod, through its appropriate certification committee, hold a hearing to consider all of the evidence of Mr. Hoover, presently a member of the Presbytery of Charlotte, and the presbyteries in which he alleges qualifying service as to his eligibility for certification as a beneficiary of the Kate Bitting Reynolds Trust Fund;

2. Within 45 days of the receipt of this order by the stated clerk of the synod, the synod, through its appropriate certification committee, shall report its findings to the Trustee of the Kate Bitting Reynolds Trust Fund;

3. The stated clerk of the Synod of the Mid-Atlantic send to the General Assembly Permanent Judicial Commission a certified copy of the minutes of the appropriate certification committee, within 10 days after the meeting of the committee. The minutes shall include itemization of evidence heard together with the finding of the appropriate certification committee and the reasons for its final determination.

Pursuant to this order, the Reynolds Certification Committee of the Synod of the Mid-Atlantic held the hearing, as required, with Mr. Hoover present, on March 16, 1989, and determined that Mr. Hoover does not qualify for the Kate Bitting Reynolds Trust Fund. The minutes of that hearing were sent by express mail to this Commission.

The Commission finds that its direction to the Synod of the Mid-Atlantic in its order of February 4, 1989, has been complied with.

IT IS THEREFORE, ORDERED that this case be dismissed with prejudice and the decision of the permanent judicial commission of the Synod of the Piedmont is final as nothing in this case pertains to "the doctrine or the interpretation of the Constitution of the church..." (D-5.0100a).

The Reverend Margaret Thomas, the Reverend Milton Carothers, and Joel Secrist were excused from the meeting, and did not participate in the decision.

Signed and dated this 7th day of May 1989.