

REMEDIAL CASE 205-11

SESSION, WITHERSPOON PRESBYTERIAN CHURCH, Indianapolis, Indiana v. Presbytery of WHITEWATER VALLEY

This is a remedial case which has come before this commission on appeal by the Session of the Witherspoon Presbyterian Church, Indianapolis, Indiana, from an order by the Permanent Judicial Commission of the Synod of Lincoln Trails (synod PJC).

Pursuant to *Book of Order*, D-13.1200a, this commission finds that it has jurisdiction, that the appellant has standing to appeal, that the appeal was properly and timely filed, but that the appeal is not in order.

History

Since 1989, the Witherspoon Presbyterian Church has been the subject of investigation by administrative commissions of the Presbytery of Whitewater Valley. The session, in a previous case complained to the synod PJC about the decision of an administrative commission to dissolve the pastoral relationship of Landrum Shields with Witherspoon Presbyterian Church. The synod PJC set aside the decision of that commission and remanded the case to the Presbytery of Whitewater Valley to appoint a second administrative commission to conduct a hearing in accordance with the order of the synod PJC.

The session is appealing from the order of the Permanent Judicial Commission of the Synod of Lincoln Trails, filed on July 16, 1992. The order was entered in response to the complaint of the session that the presbytery, at a March 13, 1992, special meeting, adopted a resolution regarding procedure implementing the synod's remand order. This procedural implementation resolution was also ratified at the June 24, 1992, Stated Meeting of the presbytery. The synod held that the Session did not state a claim upon which relief could be granted.

Findings

This commission finds that to initiate separate complaints or appeals dealing with procedures occurring prior to a final decision by a judicial or administrative commission is inappropriate. Such issues, including issues of due process, are appropriately raised after final determination on the merits.

Order

It is therefore ordered that the appeal of the session of the Witherspoon Presbyterian Church be dismissed.

Harold Densmore and David Prager, members of the commission, were not present and took no part in the proceedings.