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

PHILEMON S. MKHIZE
Complainant/Appellant

v. **Remedial Case 206-6**

PRESBYTERY OF MISSISSIPPI AND
PRESBYTERY OF MEMPHIS
Respondents/Appellees

This is a remedial case which has come before this commission on appeal by Philemon S. Mkhize, minister, from an order of the permanent judicial commission of the Synod of Living Waters.

Pursuant to Book of Order, D-13.1200a, this commission finds that the Permanent Judicial Commission of the Synod of Living Waters acted appropriately to dismiss the case. In addition to the timeliness of the complaint, Mr. Mkhize does not have standing to complain of the Presbytery of Memphis and did not state a claim against the Presbytery of Mississippi upon which relief can be granted.

HISTORY

Philemon S. Mkhize, a minister member of the Presbytery of Mississippi, entered into a temporary pastoral relationship with St. Andrew's Presbyterian Church, Memphis, Tennessee, a part of the Presbytery of Memphis. The complaint arose from the termination of the relationship by the Presbytery of Memphis committee on ministry.

ORDER

It is therefore ordered that the decision of the Permanent Judicial Commission of the Synod of Living Waters be upheld that the case be dismissed.

It is further ordered that the stated clerks of the Presbytery of Memphis and of the Presbytery of Mississippi, the appellees, report this decision to their respective presbyteries at their first meeting after receipt, that the presbyteries enter the full decision upon their minutes, and that an excerpt from those minutes showing entry of the decision be sent to the Stated Clerk of the General Assembly (Book of Order, D-8.1900).

The untimely death of Harold Densmore on October 24, 1993, precluded his participation in the proceedings. Ferdinand Pharr was not present and took no part in the proceedings.