

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

**GEORGE L. WILSON**

Complainant/Appellee

v.

**Remedial Case 206-8**

**PRESBYTERY OF DONEGAL**

Respondent/Appellant

This is a remedial case which has come before this commission on appeal by the Presbytery of Donegal from a decision by the Permanent Judicial Commission of the Synod of the Trinity (synod PJC)

Pursuant to *Book of Order*, D-13.1200a, this commission finds that it has jurisdiction, that the appellant has standing to appeal, and that the appeal papers were timely filed.

This commission must also determine whether the appeal papers are properly filed. *Book of Order*, D-13.0500e requires the written notice of appeal to state and include a ". . . certification that a copy of the notice of appeal was furnished to or served upon each of the other parties and their counsel and the stated clerk of the higher governing body by certified or registered mail or by personal delivery or service." In this case, the notice of appeal was served only on George L. Wilson, appellee. Alexander C. Wilson, who introduced himself ". . . as co-counsel with George [Wilson] and his father" and served as such throughout the synod PJC trial, stated that he did not receive a certified copy of the notice of appeal. Where notice is served on one of several co-counsel, this commission holds that it is deemed served on all co-counsel.

We also note that the record does not indicate that a copy of the notice of appeal was served on or delivered to the Stated Clerk of the General Assembly, which is also required by this section. Nevertheless we have chosen to hear this case on its merits.

**a. History**

On June 26, 1990, the Presbytery of Donegal approved the appellee's call as pastor of Latta Memorial Presbyterian Church, Christiana, Pennsylvania. He began his work at Latta on July 1, 1990. On November 18, 1990, the congregation of Latta voted to approve terms of call for appellee which included a provision that he be removed from the medical coverage portion of the Presbyterian Church (U.S.A.) pension plan for reasons of conscience. The denomination's medical plan included coverage for abortion. After communication to and from the Board of Pensions, the congregation reaffirmed its action on January 27, 1991. Subsequently, on April 16, 1991, the presbytery voted not to approve the terms of call for appellee. This action of presbytery was the subject of a previous remedial case filed by appellee against the presbytery (*George L. Wilson v. Pby of Donegal, Minutes*, 1993, Part I, p. 178).

On January 29, 1991, appellee signed an application for medical insurance with the Teachers Protective Mutual Life Insurance Company of Lancaster, Pennsylvania. On a line of the application designated "Name of Employer (Company)" is the notation Calvary Church with its address. Calvary Church is an independent congregation, not in correspondence with the Presbyterian Church (U.S.A.). The evidence is uncontradicted that Wilson did not write the

words "Calvary Church" and that they were inserted later as an indication of the entity that administered the medical plan. The presbytery offered no evidence that Mr. Wilson was ever an employee of or ever had any other relationship with Calvary Church. In fact, presbytery knew that Calvary was acting as the administrator of the plan prior to the actions complained of here.

Later, a new application was signed by Mr. Wilson with the Evangelical Pastors' Fellowship, naming the Newville Bible Church of Elizabeth, Pennsylvania, also an independent church not in correspondence with the Presbyterian Church (U.S.A.), as the administrator. At no time did Wilson seek the permission of the presbytery, under whose jurisdiction he was, for either of these applications.

During the proceedings in the remedial case cited above, the original insurance application came to the attention of the stated clerk of the presbytery. After consulting with stated clerks of neighboring governing bodies, the stated clerk reported to the presbytery on January 19, 1993, that Mr. Wilson had renounced the jurisdiction of the Church, pursuant to *Book of Order*, G-6.0501. At the same meeting, presbytery also voted to delete appellee's name from the membership roll because of his supposed membership in another denomination (G-11.0416), relying on the insurance application form. Appellee was not present at the meeting, was not represented, and only received notice that these matters would be considered on January 19, 1993, the date of the meeting. At that time, he was some 1,000 miles from the location of the presbytery meeting.

Presbytery also argues that Mr. Wilson has persisted in a disapproved work (*Book of Order*, G-6.0502). The record, however, is devoid of any clear statement by presbytery of actions by Mr. Wilson constituting a disapproved work.

Appellee filed a remedial complaint contesting the stated clerk's determination that he had renounced the jurisdiction of the church and the action of the presbytery removing his name from the membership roll. The synod PJC ruled in favor of the appellee and ordered the presbytery "...to restore George L. Wilson to the membership roll." This appeal followed.

## **b. Specifications of Error**

(1) The synod PJC "...erred in deciding that the [appellee] did not renounce the jurisdiction of the church in writing pursuant to G-6.0501."

This specification is not sustained.

The *Book of Order*, G-6.0501 reads:

*When a Church officer, whether a minister of the Word and Sacrament, elder, or deacon, renounces the jurisdiction of this Church in writing to the clerk or stated clerk of the governing body of jurisdiction, the renunciation shall be effective upon receipt. . . .*

In this case, the evidence fails to show that Mr. Wilson renounced the jurisdiction of the church in writing to the stated clerk. The signing of an application of insurance, under the facts of this case, does not constitute such a writing or such a renunciation.

(2) The synod PJC ". . . erred in failing to conclude that the [appellee] persisted in work disapproved by the governing body, after consultation and notice . . . (G-6.0502)."

This specification is not sustained.

*Book of Order*, G-6.0502 reads:

*When a Church officer, after consultation and notice, persists in a work disapproved of by the governing body having jurisdiction, the governing body may presume that the officer has renounced the jurisdiction of this Church.*

There is no evidence in the record that the Presbytery of Donegal, the "governing body having jurisdiction", has taken action to disapprove any work in which Mr. Wilson may be engaged. Such action is a condition precedent to consultation and notice.

(3) The synod PJC "...failed to allow adequate testimony relating to the extent of the consultation and notice."

This specification is not sustained.

The presbytery argues that additional testimony and evidence should have been allowed concerning consultation and notice with Mr. Wilson concerning the allegedly disapproved work. In the absence of presbytery action specifying the work disapproved, such testimony is irrelevant.

(4) The synod PJC "...erred in failing to find that the [appellee] accepted membership in another denomination not in correspondence with the PC-USA [sic] (G-11.0416)."

This specification is not sustained.

*Book of Order*, G-11.0416 reads:

*When a minister of this Church continues or accepts membership of any character in another denomination,...the presbytery shall record the fact, delete the minister's name from the roll, and take such other action of an administrative character as may be required by the Constitution.*

The only evidence which the presbytery claims indicates membership of any character in another denomination is the application for medical coverage that shows Calvary Church as the name of the employer. While it is clear that Calvary Church is a non-Presbyterian, independent church, there is no evidence that one has to be a member of Calvary Church in order to participate in the medical plan. As noted above, the explanation that Calvary Church is listed on the application only as the administrator of the medical plan, is uncontradicted.

### **c. Order**

It is therefore ordered that the decision of the Permanent Judicial Commission of the Synod of the Trinity be affirmed.

It is further ordered that the stated clerk of the Presbytery of Donegal report this decision to the presbytery at its first meeting after receipt, that the presbytery enter the full decision upon its 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).

Robert Hotchkiss, member of the commission and stated clerk of the Synod of the Trinity, took no part in the decision.

The untimely death of Harold Densmore, member of the commission, on October 24, 1993, precluded his participation in the proceedings.