

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

**John F. VELDHUIZEN,** )  
Complainant )

vs. )

**The Presbytery of SAN FRANCISCO,** )  
Respondent )

On May 7, 1995, Complainant John F. Veldhuizen requested the General Assembly Permanent Judicial Commission to assume original jurisdiction of an August 1994 complaint against the Presbytery of San Francisco filed with the Synod of the Pacific pursuant to D-5.0100(e). On June 8, 1995, the Synod of the Pacific requested this Commission to accept reference of this same Matter of John F. Veldhuizen vs. Presbytery of San Francisco. The Complaint concerns the appointment and activities of a special disciplinary committee (SDC) which concluded that disciplinary charges should not be filed against Mr. Veldhuizen “at this time” and publicly referred the issue as a remedial matter to the Committee on Ministry of the Presbytery of San Francisco.

This Commission takes cognizance of this matter. Pursuant to D-6.1200 and based on Complainant’s request to the Commission to assume original jurisdiction, the complaint, and Synod’s reference pursuant to D-12.0200, the Moderator and Clerk of this Commission found that the complaint was timely filed, this Commission has jurisdiction and the Complainant has standing to file the case.

The Moderator and the Clerk pursuant to D-6.1200 reviewed the Complaint and Answer and issued an order scheduling a pretrial conference to allow the parties to respond to jurisdictional questions.

On October 27, 1995, that hearing was held before the Executive Committee as required by D-6.1200b to resolve all preliminary questions.

In Warner vs. Presbytery of the Pacific (*Minutes*, 1986, p. 155), this Commission held that it would not review the activities of a special disciplinary committee which resulted in a finding that no charges should be filed. Therefore, with respect to the appointment and investigation of the Special Disciplinary Committee, this Commission finds that the complaint failed to state a claim upon which relief can be granted.

The second issue before this Commission is whether the Special Disciplinary Committee appointed by the Presbytery of San Francisco exceeded the reporting authority specified by D-7.0800b(6) when the report to Presbytery stated that “the Special Disciplinary Committee for Minister G will not file charges at this time, sees this matter as a remedial issue, and has referred this matter to the Committee on Ministry & Pensions.” Both parties agree that the Presbytery received information about the charging decision with respect to Mr. Veldhuizen as indicated above.

This Commission finds that the language of the report to Presbytery exceeded the *Book of Order* requirements of D-7.0800b(6) to the extent that it made declarations beyond the SDC’s intent not to file charges. However, because the Committee on Ministry is open to communication at all times with ministers and elders who are members of sessions, of the

SDC could have referred the matter to the Committee on Ministry. Therefore, this Commission will not invalidate the referral even though it deplors its public and arguably pejorative nature. The Commission, therefore, finds further that Complainant has failed to state a claim upon which relief which can be granted.

IT IS THEREFORE ORDERED that the Complaint dated August 7, 1994, of John Veldhuizen v. Presbytery of San Francisco be dismissed for failure to state a claim upon which relief can be granted.

Stephen Taber, member of the Commission, took no part in the deliberation or decision. (D-4.0400b)

Dated this 29th of October 1995.