

**8Jackson v. Pby of Susq. Valley,
Remedial Case 208-9,
12.105**

**J. RENWICK JACKSON
Complainant/Appellee**

v.

**THE PRESBYTERY OF SUSQUEHANNA VALLEY
Respondent/Appellant**

This is a remedial case that has come before this Commission on appeal by the Presbytery of Susquehanna Valley from a decision of the Synod of the Northeast.

Pursuant to the *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, and that the appeal is in order.

a. History

J. Renwick Jackson was ordained a minister in the Presbyterian Church in 1952, and became a member of the Presbytery of Susquehanna Valley in June 1989. In 1991, Mr. Jackson began serving an interim pastorate with the Congregational Church of Patchogue, New York, within the geographic bounds of the Presbytery of Long Island.

After beginning that service, Mr. Jackson, incorrectly applying G-11.0401 instead of G-11.0411, requested permission to labor within the bounds of the Presbytery of Long Island, and noted his intention to request that his membership be transferred to that Presbytery. The Committee on Ministry of the Presbytery of Long Island notified Jackson that the Committee declined his request for permission to labor within the Presbytery's bounds, and so notified the chairperson of the Committee on Ministry (COM) of the Presbytery of Susquehanna Valley.

On November 14, 1991, Mr. Jackson was notified by the chairperson of the Presbytery of Susquehanna Valley's COM that the COM would recommend that Mr. Jackson's name be placed on the inactive members' roll. Jackson met later with the COM. Following that meeting, the COM took three actions based on the Presbytery of Long Island's actions: (1) denied his request to labor outside the bounds of the Presbytery; (2) did not approve Mr. Jackson's interim work with the Patchogue Congregational Church, and (3) recommended to Presbytery that it place Mr. Jackson on the roll of inactive members. The Presbytery approved the COM's recommendations on January 21, 1992. Mr. Jackson did not protest or complain of Presbytery's action.

Despite the Presbytery's actions, Mr. Jackson continued to labor at the Patchogue Congregational Church. On November 14, 1992, the Presbytery voted to continue Mr. Jackson on the roll of inactive members for a second year. Mr. Jackson again did not complain of Presbytery's action.

In December 1993, Mr. Jackson requested to be reinstated to the roll of active members for the purpose of being honorably retired in accordance with G-11.0412. On January 25, 1994, the Presbytery voted to continue Mr. Jackson on the roll of inactive members for a third year. Mr. Jackson again did not complain of this action. He did, however, renew his previous requests

to be restored to active membership and to be honorably retired. Simultaneously, he notified the Presbytery that he was again seeking permission to labor within the bounds of the Presbytery of Long Island and to transfer his membership to that Presbytery. The Presbytery, through its Stated Clerk, notified Mr. Jackson that it would delay acting on his request for honorably retired status until the Presbytery of Long Island had acted on his requests. On March 9, 1994, the chairperson of the Ministers' Subcommittee of the Committee on Ministry of the Presbytery of Long Island indicated that a subcommittee would meet with Mr. Jackson to discuss his requests. However, on May 24, 1994, the chairperson of the Committee on Ministry of the Presbytery of Long Island notified Mr. Jackson that all his requests had been denied and that no meeting would be held.

Mr. Jackson then informed the Executive Presbyter of the Presbytery of Susquehanna Valley that he intended to accept the invitation of the Patchogue Congregational Church to be its permanent pastor, renewed his request to be honorably retired, and inquired about holding dual status in the Presbyterian Church (U.S.A.) and the United Church of Christ. On August 4, 1994, the chairperson of the Presbytery's COM informed Mr. Jackson that his request for honorably retired status was denied. Mr. Jackson was further informed that, in light of his continued presence on the roll of inactive members, Presbytery would vote on January 17, 1995, to remove his name from the roll of ordained ministers.

Mr. Jackson protested COM's proposed action. Presbytery granted him time at its September 27, 1994, stated meeting to present his case. The Presbytery voted to remove Mr. Jackson from its rolls effective January 21, 1995.

On January 13, 1995, Mr. Jackson prematurely filed a complaint with the Synod of the Northeast against the Presbytery of Susquehanna Valley and requested a stay of enforcement. The stay was granted. Mr. Jackson and the Presbytery began negotiations to resolve this dispute. Mr. Jackson filed an amended complaint in April 1995. The negotiations were unsuccessful and the case proceeded to trial in October 1995.

Mr. Jackson alleged that the Presbytery acted irregularly in placing his name on the roll of inactive members in 1992, asserting a lack of notice in accord with the *Book of Order*, G-11.0406c. He asserted that the consequent action of Presbytery in removing his name from its roll of ordained ministers after three years on inactive status was invalid. Presbytery denied the allegations and requested that the complaint be dismissed.

Synod PJC ordered that "the Presbytery of Susquehanna Valley restore J. Renwick Jackson to the roll of inactive members of the Presbytery, effective immediately, as though his name had been first placed on said roll of inactive members on January 1, 1994." It stated that the purpose of the order was to allow "either (1) for continued negotiations between parties resulting either in Mr. Jackson's being placed in either the category of members-at-large or the category of honorably retired, or (2) for Mr. Jackson to bring himself into full compliance with the provisions of *Book of Order* G-11.0403 and G-11.0406a."

b. Specifications of Error

12.107

(1) The Synod erred in affirming that the provisions of both G-11.0401a and b and G-11.0415b are permissive, granting the Presbytery options in carrying them out.

This specification of error is not sustained.

[In this case, G-11.0401 does not apply. The work in which Mr. Jackson was engaged was not properly the responsibility of the Presbytery of Long Island.] Section G-11.0415b does

not apply because Mr. Jackson had not been granted permission to labor outside the bounds of the Presbytery of his membership. Section G-11.0401a requires consent to labor within the bounds of a Presbytery when a particular work lies within the geographic bounds of that Presbytery and is `` . . . [properly within the responsibility] . . . " of that Presbytery. In this case, the work and ministry of the Patchogue Congregational Church was not properly within the responsibility of the Presbytery of Long Island, and Mr. Jackson was not required to obtain that Presbytery's consent to labor within its bounds. We understand that this holding may be contrary to the customary practice across parts of our denomination. Nevertheless, this holding is consistent with the plain language of G-11.0401a.

The applicable section, G-11.0411, relates to an active member engaged in a validated ministry in service beyond the jurisdiction of the Presbyterian Church (U.S.A.). This includes serving temporarily as a pastor in another denomination. This section requires the minister, before entering such service, to request permission of the Presbytery of membership. Mr. Jackson failed to do so. The COM of the Presbytery of membership is required to make a thorough review of the proposed ministerial function and report its recommendation to presbytery. The COM is also required to determine and report whether the service complies with G-11.0403. The COM of the Presbytery of Susquehanna Valley failed to do either. These points are now moot because Mr. Jackson is no longer employed by the Patchogue Congregational Church.

However, at the time of its actions placing Mr. Jackson on the roll of inactive members and then deleting his name from its rolls, the Presbytery erred by requiring Mr. Jackson to receive permission from the Presbytery of Long Island in order to validate his ministry at the Congregational Church of Patchogue. Section G-11.0411 requires that a minister seeking to ``serve temporarily as pastor . . . in another denomination" request permission from only the presbytery of membership. That Presbytery's COM is required to make its own ``thorough review of the proposed ministerial function and report its recommendations to the presbytery." The Presbytery must then determine whether or not to grant permission and review it annually (if granted).

In the Presbyterian Church (U.S.A.), cooperation and shared responsibility between the pastor and the Presbytery is essential. The COM has a number of responsibilities to minister members within the presbytery. At least, it shall serve as pastor and counselor to the ministers of the presbytery (G-11.0501), shall visit regularly and consult with each minister, shall report to the presbytery annually the type of work in which each minister is engaged, shall require an annual report from every minister performing work which is not under the jurisdiction of the presbytery or a higher governing body of the church (G-11.0502). The church, through the presbytery, calls ministers to act responsibly. Such ministers shall be members of presbytery, which shall designate them to such work as may be helpful to the church in mission, in the performance of which they shall be accountable to the presbytery (G-6.0201). The minister member of presbytery is responsible for consulting with the presbytery and reporting changes in his or her work status, and is to seek appropriate and timely permission to labor outside the bounds of presbytery of membership or in service beyond the jurisdiction of the Presbyterian Church (U.S.A.).

In this case, both Mr. Jackson and the Presbytery failed to carry out their respective responsibilities.

(2) The Synod PJC erred in granting relief to Jackson after having determined that this complaint of an irregularity was not asserted within the time limit prescribed by the *Book of Order*.

This specification is not sustained.

The complaint with regards to the deletion of his name from the rolls was timely filed. Because the deletion was based on his status as an inactive member for three years (G-11.0406c), and because this initial designation as inactive was invalid for the reasons mentioned above, his deletion from the rolls was unwarranted. Accordingly, Mr. Jackson was and is an active member of the Presbytery of Susquehanna Valley.

Because Mr. Jackson did not intentionally abandon the exercise of ministry (G-11.0406b), the Presbytery has several options available to it under the *Book of Order*. Presbytery may retain Mr. Jackson as an active member (G-11.0406a), designate him as a member-at-large (G-11.0406b), or designate him as honorably retired (G-11.0412a). While each of these alternatives, as well as removal from the roll, is normally a discretionary act, we find that so long as viable alternatives exist, it would be an abuse of discretion for the Presbytery to remove Mr. Jackson from its roll unless facts indicate a reasonable basis for doing so consistent with the *Book of Order*. The record provides us with no indication that a finding of such facts was made.

c. Order

12.109

It is therefore ordered that the decision of the Synod of the Northeast Permanent Judicial Commission be modified as follows: that the Presbytery of Susquehanna Valley recognize J. Renwick Jackson as an active member and give appropriate consideration to his application to be honorably retired.

12.110

It is further ordered that Mr. Jackson subject himself to the proper supervision of his presbytery in accordance with G-6.0201, and that the Presbytery give Mr. Jackson the supervision, pastoral care, and counsel required in G-11.0501 and G-11.0502.

12.111

It is further ordered that the Stated Clerk of the Synod of the Northeast report this decision to the Synod at its first meeting after receipt, that the synod 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.

12.112

It is further ordered that the Stated Clerk of the Presbytery of Susquehanna Valley 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 (D-8.1900).

Laura S. Mendenhall and Frances Pitts, members of the Commission, were not present for the meeting of the Commission and, accordingly, took no part in the deliberations or decision of the case.

Dated this 19th day of May 1996.