

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

Donna BEVENSEE)	
Complainant/Appellant)	
)	
v.)	REMEDIAL CASE 210-2
)	
Presbytery of NEW BRUNSWICK)	
Respondent/Appellee)	

This is a remedial case which has come before this Commission on appeal by Donna M. Bevenssee from a decision by the Permanent Judicial Commission of the Synod of the Northeast. (Synod PJC) The Presbytery of New Brunswick (Presbytery) is the Respondent-Appellee.

The 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. D-13.1200a.

HISTORY

Appellant filed a complaint on March 8, 1996, challenging a decision made by the Presbytery at its stated meeting on December 12, 1995. In its decision Presbytery had concurred with the recommendation of its Committee on Preparation for Ministry (CPM) that Appellant be removed from its roll of inquirers.

CPM offered the following in support of its recommendation to the Presbytery:

The Committee on Preparation for Ministry, at its November 16, 1995 stated meeting, voted unanimously to recommend to the Presbytery that Donna Bevenssee be removed from the roll of inquirers. The Committee, while recognizing her strong gifts for Christian service, and her commitment to the church, nevertheless offers the following rationale: (1) an unwillingness to submit to the guidance, counsel, and disciplines of the church as represented by the New Brunswick Presbytery and its Committee on Preparation for Ministry; (2) a refusal to make progress on constitutional requirements for ordination; and (3) based on the committee's use of resources available to it in the *Book of Order* (G-14.0303 f "the committee on preparation for ministry shall

make use of resources such as information provided by the inquirer, personal references, and reports from counseling services, the session, and the inquirer's institution of learning . . .") the Committee on Preparation for Ministry has determined the inquirer has not demonstrated adequate promise for ministry.

Appellant complained of an irregularity and offered numerous particulars in support of her claim. Respondent filed an answer on April 4, 1996.

The Permanent Judicial Commission of the Synod PJC conducted a trial on March 10, 1997, and made certain factual findings which we summarize: The Appellant was enrolled by presbytery as an inquirer in 1992 and from the inception of enrollment had expected to be granted a waiver of various requirements as an exceptional inquirer. She was assigned a liaison and the CPM conducted annual consultations in 1992, 1993, and 1994. In September of 1993 the Presbytery declined to approve the recommendation of its CPM that the Appellant be granted a waiver from the requirement of a baccalaureate degree. In January of 1994 the CPM proposed to the Appellant that she take ten prescribed courses "in order to satisfy educational requirements."

The Synod PJC further found that Appellant in May of 1994 requested the CPM to be advanced to the status of candidate but this request was denied. In 1995 Appellant received a Master of Divinity degree from New Brunswick Theological Seminary. In a September 1995 letter the CPM informed the Appellant that she was required to receive counseling and to take Greek, Hebrew, and exegesis courses at an accredited seminary.

The Appellant replied with a letter which in part requested the CPM to reconsider the ten courses it had proposed originally in 1994, and to explain its authority for imposing the requirement of counseling. She also renewed her request to be moved from the status of inquirer to that of candidate.

The CPM met with Appellant after receiving her letter of response. Since the CPM believed the Appellant had not shown an intention to work toward the “goals” it had set, the CPM at its November 16, 1995, meeting adopted a recommendation to Presbytery that the Appellant be removed from its roll of inquirers. (This recommendation is set forth verbatim in the text above).

In December of 1995 the Presbytery adopted the recommendation of its CPM and removed Appellant from its roll of inquirers. Appellant attended this meeting as an elder commissioner and exercised an opportunity to be heard. [end of summary]

The Synod PJC found that Appellant had failed to prove that an irregularity had occurred and refused to sustain the complaint. Appellant then filed a timely appeal to this Commission.

SPECIFICATION OF ERROR

All of Appellant’s allegations pertain to the alleged irregularity of Presbytery in concurring with the recommendation of its CPM, and accordingly, we have classified her complaint as consisting of one specification of error: The Presbytery erred when it removed Appellant from its roll of inquirers.

This specification of error is not sustained.

The Synod PJC found no sufficient grounds to overturn the action of Presbytery. A presbytery has the authority under G-14.0312 to remove an individual's name from its roll of inquirers or candidates if it finds "sufficient reasons." The only absolute requirement under this section of our *Book of Order* is that a Committee On Preparation for Ministry has to make "a reasonable attempt to give the inquirer or candidate and other parties of interest an opportunity to be heard by that committee." Presbytery could have declined to concur with the recommendation of its CPM, but did not, after the inquirer had (and exercised) multiple

opportunities to be heard in writing and in person. The responsibility of making a judgment about the wisdom of a person remaining on the roll of candidates belongs to the candidate's presbytery. Bedford Central Presbyterian Church v. Presbytery of New York City, 1987, 199-1. This same rule applies to inquirers. Judgments of a lower commission on factual issues are favored with a presumption of correctness and are not to be disturbed unless plainly or palpably wrong, without supporting evidence, or manifestly unjust. Hardwick v. Permanent Judicial Commission of the Synod of North Carolina, 1983-45. We do not find any such factors to exist here.

ORDER

IT IS THEREFORE ORDERED that the decision of the Synod PJC is affirmed.

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.

IT IS FURTHER ORDERED that the Stated Clerk of the Presbytery of New Brunswick 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.

William F. Skinner, member of the Commission, took no part in the deliberations or decision of the case. D-4.0400b. Ruby Rodriguez, member of the Commission, was not present for the meeting of the Commission and, accordingly, took no part in the deliberations or decision of the case.

Dated this 20th day of September, 1997.