

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

PRESBYTERIAN CHURCH (U.S.A.) BY)	
PRESBYTERY OF EAST TENNESSEE)	
Appellee)	
)	
v.)	REMEDIAL CASE 211-5*
)	
ROBERT COOK)	
Accused/Appellant)	

This remedial case has come before this commission on appeal by Robert S. Cook against the Presbytery of East Tennessee from a decision of the permanent judicial commission of the Synod of Living Waters. The Permanent Judicial Commission finds that it has jurisdiction, that the Appellant has standing to file and that the appeal was timely filed.

Upon review of the briefs and the record, this Commission finds that this remedial case grew out of a disciplinary case decision by the permanent judicial commission of the Presbytery of East Tennessee against Robert S. Cook in 1996.

The holding of this Commission in *Evans v. Presbytery of Lake Michigan (Minutes, 1995, p. 121)*, that a remedial case may not be used to attack a disciplinary case determination, requires that the case be dismissed. (See also *San Mateo Korean Presbyterian Church v. Presbytery of San Francisco, Minutes, 1997, p. 141*).

Furthermore, this Commission finds that the matter complained of involves the fulfillment of the responsibilities of the Presbytery to provide pastoral care to a congregation of the Presbytery under G-11.0103g and G-14.0501a, a matter of Presbytery discretion. Even if an irregularity were found to have occurred, the Constitution offers no relief. This Commission

finds, pursuant to D-6.1200, that this remedial appeal fails to state a claim upon which relief can be granted. (*Anderson et. al. v. Presbytery of Scioto Valley, Minutes, 1997, p. 139.*)

IT IS HEREBY ORDERED that remedial case 211-5 be dismissed.

Ruby Rodriguez and Patricia Norris, 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. Christine Levister, Ferdinand Pharr, and William Skinner, former members of the Commission (having resigned), were not present for the meeting of the Commission.

Dated this 13th day of February, 1999.