

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

Grayson L. Tucker)	
Complainant/Appellant)	
)	
v.)	Remedial Case 212-1
)	
Presbytery of LOUISVILLE)	
Respondent/Appellee)	

This remedial case has come before this Commission on appeal by Grayson L. Tucker (Appellant) from a decision of the Permanent Judicial Commission of the Synod of Living Waters. Pursuant to D-8.0301, the Moderator and Clerk of the General Assembly Permanent Judicial Commission have made a preliminary determination that Appellant’s appeal should be dismissed.

The errors alleged by Appellant in the Synod’s decision to dismiss the complaint Appellant filed against the Presbytery of Louisville arise out of the refusal of an investigating committee to file charges against Appellant and the decision of the Presbytery Judicial Commission not to appoint a new investigating committee. See D-10.0303d. This Commission has consistently held that the decision not to file charges is not subject to review through remedial process (*Warner v. Pby of Pacific*, 1986, p. 155; *White v Pby of Redwoods*, 1995, p 120). D-10.0303 allows the original accuser to seek review by the governing body PJC of an investigating committee’s determination not to file charges. This review process is the only review authorized when an investigating committee determines that no charges should be filed. Upon determination by the governing body PJC not to sustain the petition for a new

investigating committee, no charges are filed, and the matter is concluded. See D-10.0303e.

The Synod PJC dismissed Appellant's complaint finding that "no irregularities" had been either alleged against or committed by the Presbytery investigating committee or the Presbytery PJC. We have examined the papers in this matter and heard oral argument in a hearing requested by Appellant, pursuant to D-8.0300, and find that Appellant has failed to state a ground for appeal as set forth in D-8.0105. Therefore, the dismissal of the complaint by the Synod PJC is affirmed.

Catherine Borchert, member of the Commission, was not present for the deliberations and final decision.

Dated this 13th day of November, 1999.