

2001, Soto v. GAC,
Remedial Case 213-6

Eriberto Soto
Complainant

v.

GENERAL ASSEMBLY COUNCIL of the Presbyterian Church
(U.S.A.)

Respondent

Order of Dismissal

On December 1, 1999, Eriberto Soto ("Complainant"), who was employed by the General Assembly Council ("Respondent") within the Worldwide Ministries Division, received notice of termination of his employment, effective that date. On March 3, 2000, a complaint was filed by the Complainant with the Stated Clerk of the General Assembly.

Pursuant to D-6.0307, the Moderator, Clerk, and Executive Committee of the General Assembly Permanent Judicial Commission have made a preliminary determination that the complaint should be dismissed because it was not filed in a timely manner (D-6.0307c). In *Haggin v. Pby of the Redwoods* (*Minutes*, 1997, p. 134) this commission held that in the Rules of Discipline "filed" means filed with and received by the stated clerk who is identified as the recipient of a filing. While Complainant had ninety days for filing, the complaint was received on the ninety-third day by the Stated Clerk of the General Assembly. Respondent has raised other issues about the adequacy of the filing, but those issues have not been examined because failure on any of the criteria in D-6.0307 requires dismissal of a complaint.

The Complainant having challenged the finding of the officers, a hearing on the jurisdictional questions was conducted by the Executive Committee of the Commission on July 8, 2000. The Executive Committee found no basis for modifying its preliminary finding at the conclusion of the hearing.

The Commission has examined the papers in this matter and affirms the findings of the officers. Therefore, the complaint is dismissed.

Dated this 4th day of February, 2001.