

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

Dana Jackson,)
Complainant,)
v.)
Session of Cordova Presbyterian Church,)
Lakeland, Tennessee, and Presbytery of)
Memphis,)
Respondents.)

ORDER OF DISMISSAL

Remedial Case 217-8

Arrival Statement

This remedial case comes before this Commission on an appeal filed by Dana Jackson (Jackson), a member of Cordova Presbyterian Church, Lakeland, Tennessee, from a decision of the Permanent Judicial Commission of the Synod of Living Waters dated October 25, 2004.

History

On or about January 3, 2003, Dana Jackson filed an accusation of misconduct against an elder of Cordova Presbyterian Church with the session of that church (Session), alleging, among other things, that the elder had convened an illegal session meeting. It appears that the moderator of Session referred the matter to the Presbytery of Memphis (Presbytery) on or about January 17, 2003, for investigation. On August 27, 2003, Jackson received an undated memo from an investigating committee appointed by Session, stating that an investigating committee had been appointed on July 15, 2003, and had decided not to file charges against the accused.

Jackson then sent a letter dated October 27, 2003, to the Stated Clerk of the Presbytery, attempting to initiate a remedial complaint against Session for alleged irregularities in its handling of the accusation of misconduct. In a letter dated July 19, 2004, however, Jackson characterized her earlier letter of October 27, 2003, as a complaint regarding the Presbytery's failure to act.

Because of the lack of any response from Presbytery, on April 30, 2004, Jackson requested that the Synod of Living Waters Permanent Judicial Commission (SPJC) take jurisdiction of the case. On October 25, 2004, the Moderator of the SPJC sent a letter to Jackson advising that the full SPJC had considered the complaint and determined that it did not have jurisdiction in the matter. On December 3, 2004, Jackson filed a notice of appeal from that decision with this Commission.

Findings on Preliminary Questions

Jackson's letter of October 27, 2003, attempting to initiate a remedial complaint against the Session, was untimely filed because it was filed more than 90 days after the date of the allegedly irregular Session action—namely, the decision of the Session investigating committee

not to file charges. Although the memorandum of the Session investigating committee to the Session clerk documenting its decision is undated, the date of that decision is, at the latest, July 28, 2003, the date of the postmark on the mailing of that decision to Jackson. The October 27, 2003, letter "complaint" falls outside the 90-day period permitted under D-6.0202b. Because of this untimeliness, the Presbytery had no jurisdiction to act on Jackson's October 27, 2003, remedial complaint, and the SPJC properly concluded that it lacked jurisdiction. This Commission likewise lacks jurisdiction.

With respect to the disciplinary case initiated by Jackson's accusation, Jackson failed to exhaust a remedy available under the *Book of Order*, namely the filing of a petition for review under D-10.0303. This Commission has no jurisdiction to consider any matters arising out of this disciplinary proceeding.

This Commission expresses its concern, however, about the failure of diligence on the part of Session and Presbytery in timely investigating and communicating regarding the allegations of misconduct in this case. It appears from the record in this case that Jackson, the person filing the accusation, was never contacted by an investigating committee appointed by either Session or Presbytery.

Order

IT IS ORDERED that the appeal in this matter be dismissed for lack of jurisdiction.

IT IS FURTHER ORDERED that, pursuant to the provisions of G-9.0408, the Synod consider whether a special administrative review of the Presbytery of Memphis regarding the Presbytery's handling of the accusations of misconduct and delinquency filed by Jackson and of Jackson's letter complaint of October 27, 2003, is necessary.

IT IS FURTHER ORDERED that the Clerk of Session of Cordova Presbyterian Church, Lakeland, Tennessee, the Stated Clerk of the Presbytery of Memphis, and the Stated Clerk of the Synod of Living Waters each read this Order of Dismissal at their first meeting following receipt of this Order; that the Session, Presbytery, and Synod enter the full Order of Dismissal upon its minutes, and that an excerpt from those minutes showing entry of the Order of Dismissal be sent to the Stated Clerk of the General Assembly. (D-8.0404f, D-13.0404f)

Absences

The following members were not present and took no part in this Order of Dismissal: John Dudley, Mildred Morales, and Janet Wilson.

Dated the 31st day of January, 2005.

Certificate

We certify that the foregoing is a full and correct copy of the decision of the Permanent Judicial Commission of the General Assembly of the Presbyterian Church (U.S.A.) in Remedial Case 217-8, Dana Jackson v. Session of Cordova Presbyterian Church, Lakeland, Tennessee, and Presbytery of Memphis made and announced at Louisville, Kentucky, on January 31, 2005.

Jane E. Fahey, Moderator
Permanent Judicial Commission of the General Assembly

Ernest E. Cutting, Clerk
Permanent Judicial Commission of the General Assembly

I certify that I did transmit a certified copy of the foregoing to the following persons by UPS Next Day Air, directing C. Laurie Griffith to deposit it in the mail at Louisville, Kentucky, on January 31, 2005.

Dana Jackson, Complainant
Carolyn Bazemore, Clerk of Session, Cordova Presbyterian Church
Linda Scholl, Stated Clerk, Presbytery of Memphis
Charles Van Devender, Stated Clerk, Synod of Living Waters
General Assembly Permanent Judicial Commission (regular mail)

I further certify that I did transmit a certified copy of the foregoing to the Stated Clerk of the General Assembly of the Presbyterian Church (U.S.A.) by delivering it in person to C. Laurie Griffith on January 31, 2005.

Ernest E. Cutting, Clerk
Permanent Judicial Commission of the General Assembly

I certify that I received a certified copy of the foregoing, that it is a full and correct copy of the decision of the Permanent Judicial Commission of the General Assembly of the Presbyterian Church (U.S.A.), sitting during an interval between meetings of the General Assembly at Louisville, Kentucky, on January 31, 2005, in Remedial Case 217-8, Dana Jackson v. Session of Cordova Presbyterian Church, Lakeland, Tennessee, and Presbytery of Memphis, and that it is the decision of the General Assembly of the Presbyterian Church (U.S.A.) in the case.

Dated at Louisville, Kentucky, on January 31, 2005.

C. Laurie Griffith
Manager of Judicial Process and Social Witness