

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

Bruce F. Haapalainen,)
Complainant,)
)
v.)
)
Synod of Lincoln Trails)
Respondent.)

DECISION AND ORDER

Remedial Case 220-07

Arrival Statement

This matter now before the Permanent Judicial Commission of the General Assembly (this Commission) is the Challenge of a Preliminary Order of the Executive Committee (EC) of this Commission dated May 6, 2011. In its D-6.0305 Examination of Papers, the EC found that the Complainant lacked standing to file the case and that the Complaint failed to state a claim for which relief could be granted. The Notice of Challenge under D-6.0306 was received by the Stated Clerk of the General Assembly on May 25, 2011.

Parties

The Complainant in the case is Bruce E. Haapalainen (Complainant). The Respondent is the Synod of Lincoln Trails (Synod).

Jurisdictional Statement

This Commission finds that the Challenge was properly filed by Complainant within thirty days after receipt of the EC's Preliminary Order of Dismissal.

Appearances

Complainant was represented by W. Dan Lee. Respondent was represented by Judy L. Woods and Linda Long.

History

In 2008, Synod appointed an Administrative Commission (AC) that later assumed original jurisdiction of the Presbytery of Midwest Hanmi (Presbytery).

Complainant alleges that at its meeting on January 28, 2011, the Synod committed an irregularity when it adopted the minutes of the previous Synod meeting of October 29, 2010, without modification or revision of the report of the AC. At the October meeting, the Synod had received a report that on September 8, 2010, the AC declared that the Canaan Presbyterian Church, part of Presbytery, was in schism. The AC report was reflected in the minutes of the October 29, 2010 meeting. Complainant does not allege any factual inaccuracy in those minutes.

It is undisputed that the Complainant was not present at the January 28, 2011 Synod meeting where the October 29, 2010 minutes were approved. The Complaint was filed on March 7, 2011.

Decision and Order

This Commission affirms the decision of the EC that Complainant does not have standing to file the Complaint because he was not present at the Synod meeting of January 28, 2011, and consequently was not an "enrolled" commissioner to the Synod.

The case of Fair-Booth v. National Capital Presbytery (*Minutes*, 2008, p. 300), establishes that a ruling elder elected to serve as a commissioner to a presbytery meeting must be present in order to bring a remedial complaint against an action taken at that meeting. The considerations governing enrollment of an elected commissioner at a synod meeting are indistinguishable from those considerations governing enrollment of an elected commissioner at a presbytery meeting. Like ruling elder commissioners to a presbytery meeting, all commissioners to a synod are elected by a lower governing body. According to Fair-Booth, "the requirement for enrollment, as separate from election ... is consistent with the principle that lower governing bodies do not determine the membership of higher governing bodies." Moreover, as in Fair-Booth, the requirement of attendance "is not a mere technicality.... Presbyterians come together in governing bodies to deliberate and decide matters as a community of faith, open to the work of the Spirit among them."

If any one of the four jurisdictional grounds of D-6.0305 is lacking, a complaint fails. Since this Commission has found that Complainant lacks standing, there is no need to address the EC's finding that the Complaint failed to state a claim for which relief can be granted or the Respondent's contention that the Complaint was not timely filed.

ORDER

IT IS THEREFORE ORDERED that the Dismissal of the Complaint is hereby sustained.

IT IS FURTHER ORDERED that the Stated Clerk of the Synod of Lincoln Trails report this Decision and Order to the Synod at its first meeting after receipt, that the Synod enter the full Decision and Order upon its minutes, and that an excerpt from those minutes showing entry of the Decision and Order be sent to the Stated Clerk of the General Assembly.

Certificate

We certify that the foregoing is a true 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 2011-07, Bruce E. Haapalainen, Complainant, v. the Synod of Lincoln Trails, Respondent, made and announced at San Diego, California, on October 30, 2011.

Dated this 30th day of October, 2011.

Susan J. Cornman, Moderator
Permanent Judicial Commission of the General Assembly

Gregory A. Goodwiller, 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 Fed Ex, Next Day Air, directing C. Laurie Griffith to deposit it with Fed Ex at San Diego, CA on October 30, 2011:

W. Dan Lee, Counsel for Appellant
Judy Woods, Counsel for Appellee
Stated Clerk, Synod of Lincoln Trails
General Assembly Permanent Judicial Commission

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 October 30, 2011.

Gregory A. Goodwiller, 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, in San Diego, CA., on October 30, 2011, in Remedial Case 220-07, Bruce F. Haapalainen v. Synod of Lincoln Trail, and that it is the final judgment of the General Assembly of the Presbyterian Church (U.S.A.) in the case.

Dated at San Diego, CA on October 30, 2011.

C. Laurie Griffith
Manager of Judicial Process and Social Witness