

THE PERMANENT JUDICIAL COMMISSION
of
THE SYNOD OF THE TRINITY
of
THE PRESBYTERIAN CHURCH (U.S.A.)

Decision

H. Donald Reinhart,)
Appellant)
)
)
-vs-)
)
)
)
The Session of Bethany-Collegiate)
Presbyterian Church,)
Appellee)

The matter comes before the Synod of the Trinity Permanent Judicial Commission as a remedial case on Appeal by Mr. H. Donald Reinhart from a decision by the Permanent Judicial Commission of the Presbytery of Philadelphia (hereinafter PPJC).

The Synod Permanent Judicial Commission (hereinafter SPJC) finds that it has jurisdiction, that the appellant has standing to appeal, that the appeal was properly and timely filed, and that the appeal states one or more grounds for appeal as set forth in D-13.0106 (*Book of Order*, 2011-2013).

The SPJC conducted a hearing on November 21, 2011, at which appellant Reinhart and Ruling Elder Gary Rindone of Bethany-Collegiate Presbyterian Church presented oral arguments.

The appellant alleged 2 specifications of error in the Notice of Appeal. The SPJC examined the record in the case and the 2 alleged errors. The Commission's vote on each specification is stated below:

1. The PPJC erred in finding that the complaint was not timely filed.

The specification is sustained. (9-0)

Based on the possible different interpretations of the decision date and the filing date of the appeal, the SPJC believes the dismissal of the complaint as being untimely is in error.

2. The PPJC erred in finding that the complaint does not state a claim upon which relief can be granted.

The specification is not sustained. (0-9)

The decision of the PPJC finding that the complaint fails to state a claim upon which relief can be granted is sustained for the reasons cited in the PPJC decision.

Comments

The *Minutes of the 199th General Assembly (1987)* noted that there were no uniform procedures or protections for lay employees of particular churches. In the absence of denominational action to address this situation, our church courts will continue to experience difficulty in dealing with cases arising from employment disputes.

Furthermore, we conclude that the filing of a civil action constitutes a renunciation of the church court's jurisdiction over the financial claims and we would decline to consider the claim.

IT IS THEREFORE ORDERED that the decision of the Philadelphia Presbytery Permanent Judicial Commission, dated December 30th, 2010, dismissing the remedial complaint of Mr. H. Donald Reinhart, stands as originally entered.

IT IS THEREFORE ALSO ORDERED that the Stated Clerk of the Presbytery Philadelphia present this decision before the next meeting of the presbytery and that the Stated Clerk of the Synod of the Trinity present this decision before the next meeting of the Synod. Both Clerks are responsible for placing this decision into the minutes of their respective governing bodies.

Synod of the Trinity of the Presbyterian Church (U.S.A.)

Permanent Judicial Commission Members present:

Ruling Elder Gwilym Price, III, Esquire, Moderator
Ruling Elder Geoffrey Seacrist, Esquire, Vice-Moderator
The Rev. David Demarest, Clerk
The Rev. Hobart Campbell
The Rev. H.C. Ted Kelley
The Rev. Thomas Gomola
Ruling Elder Todd Green
Ruling Elder William Siebert
Ruling Elder William White

Excused:

The Rev. Joyce Krajian
The Rev. Stewart Pollock, Esquire

Dated this 21st day of November, 2011.



Gwilym Price, III, Moderator



David Demarest, Clerk