

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

**Presbytery of the Highlands of New Jersey,
Appellant/Cross-Appellee**

v.

**The Rev. Ryan Irmer,
Appellee/Cross-Appellant**

**Opinion Concurring in Part
and Dissenting in Part
Remedial Case 2024-02**

Opinion Concurring in Part and Dissenting in Part

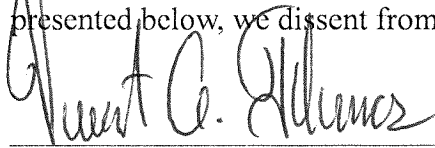
We concur in the result of the majority to the extent it sustains the order of the Synod Permanent Judicial Commission (“SPJC”). Because the appellant did not act by way of a commission delegated with appropriate powers nor provide a fundamentally fair process to appellee, we would not sustain the balance of the appeal for two reasons.

As noted in our concurrence with our colleague Commissioner Paige Bass, it does not appear that the question of appellant’s authority to order psychological evaluations (independent of the imposition of administrative leave) was presented to the SPJC. Because this issue was not raised before the SPJC, we would not consider it on appeal.

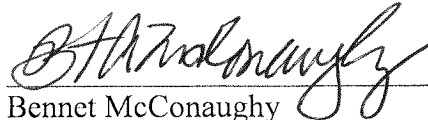
Appellant has asked us to approve its general authority as a presbytery to require psychological evaluations of minister members. We would hold this question moot for purposes of this case, as the particular direction to appellee to obtain a psychological evaluation has been rejected by the SPJC and the majority of this Commission as fundamentally unfair. Having had its request for a psychological evaluation rejected, appellant essentially asks this Commission for an advisory opinion ungrounded in the controversy of this matter – the circumstances under which it can require a psychological evaluation of a minister member. The majority of this Commission interprets the authoritative interpretation in the *Commissioner’s Resolution 97-1*, Minutes, 1997, Part I, pp. 65, 706, to permit a psychological evaluations whenever “a presbytery deems them necessary.” Our reading of the authoritative resolution is narrower. The authoritative interpretation calls out four circumstances where a presbytery may direct such an evaluation – assessment of candidates for ministry (G-14.0303 and G-14.0305), ministers transferring into a presbytery (G-11.0402, G-11.0403), ministers who are subject to a supervised rehabilitation order (D-12.0104b), and ministers being evaluated regarding of a dissolution of call (G-11.0103o)(citations to the then existing version of the *Book of Order*.) In each case, the person subject to the psychological evaluation is in a transitional moment in ministry. The authoritative interpretation specifically notes that in those circumstances, the person can avoid the psychological evaluation by not proceeding with the transition. It seems inconsistent, given the

care with which four specific circumstances are called out by the authoritative interpretation, to hold that it broadly applies to any minister member at whatever time and in whatever circumstances a presbytery deems appropriate.

A presbytery seeking clarification of its authority to require psychological evaluations may submit a request to the Advisory Committee on the Constitution (G-6.02) or directly present the issue to the General Assembly by overture. Such processes would allow for the full input and discernment of the Church. Because the issue is moot in this case and because it was not presented below, we dissent from that portion of the majority opinion.



Vincent A. Thomas
Commissioner, Synod of the Lakes and Prairies



Bennet McConaughy
Commissioner, Synod of Alaska/Northwest