

DECISION NO. 1514

IN RE: Review of a Decision of Law by Bishop Latrelle Easterling in the Peninsula-Delaware Annual Conference

DIGEST

The bishop erred in deciding Question 1 regarding whether voluntary withdrawal under ¶360 of *The Book of Discipline, 2016*, [hereinafter the *Discipline*] can occur by virtue of serving a disaffiliated church. The question was moot and hypothetical because it did not state a connection to a specific action taken or to be taken by the conference. Therefore, the bishop's ruling is reversed.

The Judicial Council affirms the bishop's ruling on Question 2 as to whether service as a United Methodist clergy in Word, Sacrament, Order and Service in a non-United Methodist Church or location is a chargeable offense and subject to ¶2702.2 of the *Discipline*. The bishop correctly ruled that the question was moot and hypothetical. It was not germane to the regular business, consideration, or discussion of the clergy session of the conference and did not state a connection to a specific action taken or to be taken by the conference.

STATEMENT OF FACTS

On April 22, 2024, the Board of Ordained Ministry of the Peninsula-Delaware Annual Conference sent a letter to five clergy members who it determined had voluntarily withdrawn from The United Methodist Church (The UMC) by serving a church that had disaffiliated from the UMC beyond the date of disaffiliation.

The minutes of the clergy session of the annual conference on June 6, 2024, state that Question 42 was read regarding clergy who have had their conference membership terminated by withdrawal to unite with another denomination. The minutes add that Question 42 "was read for informational purposes, as it did not require a vote." Thereafter, an elder requested rulings of law as follows:

[1] Pertaining to Paragraph 360 regarding withdrawal, if there has been no written request for withdrawal by the clergy member, can the Board of Ordained Ministry assume a voluntary withdrawal by other means?

And

[2] If a retired clergy member in good standing chooses to operate in the capacity as a UM clergy in Word, Sacrament, Order and Service at a church or location that is not United Methodist, is that a chargeable offense and subject to Par. 2702.2, including fair process as defined by Par. 20?

The bishop subsequently issued her ruling of law and held that Question 2 was moot and hypothetical because no clergy member “of the sort identified in the question ... has been charged with committing any of the chargeable offenses listed in *Discipline* ¶ 2702.”

Following an extensive and thorough discussion of the issues and relevant authorities, the bishop made the following ruling on Question 1:

Therefore, for the reasons stated above, it is hereby ruled that a clergy member can be considered to have voluntarily withdrawn her or his membership in the Peninsula-Delaware Conference and in The United Methodist Denomination by their action of having served or currently serving without a Bishop’s appointment a church that disaffiliated from The United Methodist Church or which is not a church of a recognized denomination. A written request to withdraw is not required in such circumstances since the action of serving is to be considered in and of itself the request to withdraw after having been duly notified of the same.

Jurisdiction

The Judicial Council has jurisdiction pursuant to ¶2609.6 of the *Discipline*.

Analysis & Rationale

A proper question of law must be submitted in writing in the regular business of a session, must be germane to the regular business, consideration, or discussion of the conference and must state the connection to a specific action taken or to be taken by the conference. *See* [JCD 1113](#). *See also* [JCD 799](#), [1063](#), [1130](#), [1131](#), [1203](#). A question that does not meet these requirements is moot and hypothetical and should not be decided. *See* [JCD 1063](#).

Question 1 met each of the requirements for a proper question of law except its connection to a specific action taken or to be taken by the conference. As the minutes of the clergy session state, Question 42 “was read for informational purposes, as it did not require a vote.” Therefore, Question 1 was moot and hypothetical and should not have been answered by the bishop.

DECISION

The bishop erred in deciding Question 1 regarding whether voluntary withdrawal under ¶360 of *The Book of Discipline, 2016*, [hereinafter *Discipline*] can occur by virtue of serving a disaffiliated church. The question was moot and hypothetical because it did not state a connection to a specific action taken or to be taken by the conference. Therefore, the bishop’s ruling is reversed.

The Judicial Council affirms the bishop’s ruling on Question 2 as to whether service as a United Methodist clergy in Word, Sacrament, Order and Service in a non-United Methodist Church or location is a chargeable offense and subject to ¶2702.2. The bishop correctly ruled that the question was moot and hypothetical. It was not germane to the regular business, consideration, or discussion of the clergy session of the conference and did not state a connection to a specific action taken or to be taken by the conference.

Molly Hlekani Mwayera was absent. Erin Hawkins, first lay alternate, participated in this decision.

Øyvind Helliesen was absent.

Concurring Opinion

We agree with the majority and write separately to address two concerns. A growing number of retiring elders chose to remain United Methodist but have affiliated themselves with and are currently serving in non-UMC local churches without appointment or approval by their bishop. This lack of accountability undermines trust in our clergy but also our connectional system. Elders in full connection commit

themselves through their ordination to “live in covenant of mutual care and accountability with all those who share their ordination, especially in The United Methodist Church.” ¶303.3 [emphasis added]. Their ordination vows specifically express this commitment.¹ By entering into this covenant, they “offer themselves without reserve to be appointed and to serve, after consultation, as the appointive authority may determine.” ¶333.1 [emphasis added] This covenant does not end with an elder’s retirement but “is a lifetime commitment, and those who enter into it dedicate their whole lives to the personal and spiritual disciplines it requires.” ¶303.3 [emphasis added]. Consequently, this covenant of mutual care and accountability requires that a retired clergy person who intends to serve in a role requiring Word, Sacrament, Order, and Service, in *any* local church, UMC or not, seek appointment or approval by the bishop first in accordance with ¶357.6.

But even so, any Board of Ordained Ministry policy seeking to terminate the conference membership of such retired elders still requires the vote of the clergy session pursuant to ¶¶369.5 and 605.7.

Luan-Vu “Lui” Tran

Andrew Vorbrich

Susan Henry-Crowe

Jonathan Ulanday

¹ See THE GENERAL EXAMINATION (relevant parts):

[...]

Will you be loyal to The United Methodist Church,
accepting and upholding its order, liturgy, doctrine, and discipline,
defending it against all doctrines contrary to God’s Holy Word,
and committing yourself to be accountable with those serving with you,
and to the bishop and those who are appointed to supervise your ministry?

I will, with the help of God.

Will you, for the sake of the church’s life and mission,
covenant to participate in the life of the order, [fellowship, or membership]
into which you are ordained, commissioned, received or recognized?

Will you give yourself to God through the order [or fellowship]
in order to sustain and build each other up

in prayer, study, worship and service
under the rule of life set forth in the vows you take this day?

I will, with the help of God.

[...]