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Notice of Appeal

This form is to be used for (please check one):

☐ Appealing the decision of a Committee on Appeals in a judicial process within thirty (30) days (§ 2715.1 *The Book of Discipline* 2016).

☒ Appealing the decision of a Committee on Appeals in an administrative process within thirty (30) days (§ 2718.3-4 *The Book of Discipline* 2016).

APPELLANT: JASON EARL BERRYMAN SMITH

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RESPONDENT: Western North Carolina Annual Conference
Committee on Appeals of the Southeastern Central/Jurisdictional Conference

Date of decision of Committee on Appeals: June 17, 2026 (month/day/year)

Chairperson of Committee on Appeals: Rev. Emily Kincaid

Address: 6 East Wright Street City: Pensacola
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Authorities Cited (indicate paragraph or decision number where applicable):

Constitution: See attachment Book of Discipline: See attachment

Judicial Council Decision(s): See attachment

Signature: _____

Appellant

Date: July 17, 2026

(month/day/year)

The following must be attached on separate sheets:

- Grounds of Appeal
- Decision of Committee on Appeals, including facts, rationale and ruling

Send electronic copy of this form and all materials in PDF and Microsoft Word format **within 30 days** to:
secretary@umcjudicialcouncil.org and the Chairperson of Committee on Appeals.

Mail thirteen (13) sets of hard copies to:

**UMC Judicial Council, c/o LaNella Smith, Assistant to the J.C. Secretary, 1215 Shady Lane
Durham, NC 27712**

BEFORE THE JUDICIAL COUNCIL
OF THE UNITED METHODIST CHURCH

IN RE: Jason Smith v. The Western)
North Carolina Conference of The)
United Methodist Church and The) (Prior) Docket No. 2026-2
Southeastern Jurisdiction Committee)
on Appeals)

APPEAL PACKAGE OF JASON EARL BERRYMAN SMITH
FROM SEJCOA DECISION ON REMAND

Submitted by:

Jason E. B. Smith, Appellant
Provisional Elder in the Western North Carolina Conference of The United Methodist Church

NOTICE OF APPEAL, FACTUAL SUMMARY, AND CONSOLIDATED STATEMENT OF GROUNDS

Appellant Jason Earl Berryman Smith hereby gives written notice of appeal to the Judicial Council (JC) of The United Methodist Church (UMC) from the Southeastern Jurisdiction Committee on Appeals ("SEJCOA") Decision on Remand entered pursuant to Judicial Council Memorandum (JCD) 1522. This filing is intended to satisfy both the written-notice and written-ground requirements of Discipline ¶ 2719.4(a). Because the Decision on Remand dismissed the appeal without reaching the preserved errors of Church law, this filing addresses both the new forfeiture rulings and every substantive ground previously preserved before SEJCOA and the Judicial Council.

I. JURISDICTION, TIMELINESS, AND DOCUMENTS SUBMITTED

The Judicial Council has jurisdiction under Discipline ¶¶ 2719.3 and 2719.4. The Decision on Remand was transmitted to Appellant by email from SEJCOA Chair Rev. Emily Kincaid on June 17, 2026. This Notice of Appeal, Factual Summary, and Consolidated Statement of Grounds is filed on July 17, 2026, within thirty days. Because the Decision on Remand is undated, the June 17, 2026 transmission email therefore establishes the date of notice.

Appellant submits or will submit with this filing: (1) the SEJCOA Decision on Remand; (2) the June 17, 2026 transmission email and prior email communications with SEJCOA; (3) the Judicial Council Notice of Appeal form; and (4) the submission documents required by the Judicial Council Secretary. The complete administrative record and the parties' prior appellate filings were previously submitted in JC Docket No. 2026-2. Appellant requests that they remain part of the record in this continuation of the same appeal following remand.

Edition convention. Consistent with the effective dates applicable to this case, citations concerning events through December 31, 2024 are to the 2016 Discipline; citations concerning events on and after January 1, 2025 are to the 2020/2024 Discipline. Where the two editions contain materially identical language relevant to an issue, both are identified when useful.

II. QUESTIONS PRESENTED

- Whether SEJCOA violated JCD 1522 and JCD 1373 by issuing a remand ruling that did not provide a legally sufficient analysis and did not address Appellant's preserved merits grounds.
- Whether an involuntary clergy-session vote discontinuing provisional membership can itself constitute the Appellant's voluntary "withdrawal from the Church" and thereby extinguish appellate review of that same vote.
- Whether SEJCOA erred by starting the Discipline ¶ 2719.3-.4 thirty-day period with the Conference Relations Committee (CRC) recommendation rather than with Administrative Review Committee (ARC) action, contrary to Discipline ¶ 2719.3-.4 (2016 Discipline ¶ 2718.3-.4), the ARC's original jurisdiction, mandatory review under Discipline ¶¶ 327.6 and 635, and JCD 1361.
- If forfeiture is rejected, whether the preserved errors of Church law in the Western North Carolina Conference of the United Methodist Church (WNCC) administrative process vitiated the recommendations and actions below under Discipline ¶ 2719.4(g).
- Whether the proper relief is reversal and restoration of Appellant's provisional status, or alternatively a remand beginning with the first vitiating error with specific instructions for a de novo and constitutionally compliant process before impartial decisionmakers.

III. PROCEDURAL POSTURE

JCD 1522 held that SEJCOA's original summary denial did not satisfy the requirements for a committee-on-appeals decision. It reiterated JCD 1373's requirement of a reasoned opinion containing facts, procedural history, legal authorities, and analysis, and directed SEJCOA at minimum to address separately the grounds Appellant alleged violated fair process. JCD 1522 additionally directed SEJCOA to determine whether the right to appeal had been forfeited.

On remand, WNCC advanced two *new* dispositive theories not asserted in its original SEJCOA briefing: (1) service at an independent disaffiliated congregation constituted voluntary withdrawal; and (2) Appellant had forfeited all review by failing to file a separate "Path Two" appeal from the December 2024 CRC recommendation within thirty days. Appellant responded in a detailed May 18, 2026 remand brief, requested oral argument, and explained that the proposed "Path One/Path Two" system appears nowhere in the Discipline. SEJCOA did not rule on the oral-hearing request. Its two-page Decision on Remand dismissed the appeal on both theories, vacated its earlier merits disposition, and declined to address any preserved substantive ground.

IV. STATEMENT OF RECORD FACTS AND CORRECTIONS TO RECURRENT FACTUAL MISCHARACTERIZATIONS

A. Record limitation.

This statement relies only on the administrative record and exhibits previously filed in Judicial Council Docket No. 2026-2. It is offered to identify the material chronology and to correct recurring characterizations that are contradicted, qualified, or materially incomplete when compared with the contemporaneous documents. It does not seek to add new evidence.

B. Core Record Chronology

1. Piney Grove's disaffiliation did not itself end Appellant's UMC relationship.

Piney Grove completed disaffiliation on November 20, 2023 and remained an independent congregation, not a member of another denomination. Appellant remained a provisional elder and immediately sought guidance from WNCC concerning leave, appointment, and extension-ministry options. WNCC's own records identify him as a provisional elder who desired to remain in the UMC after Piney Grove's disaffiliation. (*WNCC Ex. 5, PDF pp. 6–10; WNCC Remand Br. pp. 3–4.*)

2. Appellant repeatedly rejected voluntary withdrawal—not UMC membership.

On January 23, 2024, after WNCC asked him to request discontinuance, Appellant wrote that he did not want to leave the UMC and could not in good conscience request voluntary discontinuance. WNCC's own May 6, 2024 internal email acknowledged both that the Board of Ordained Ministry (BOM) had continued his provisional status and that he still insisted he wanted to remain a UMC pastor. He repeated that desire in July and October communications. (*Appellant Ex. B, PDF pp. 41–43, 98; WNCC Ex. 5, PDF pp. 10, 15, 30–31, 45–50.*)

3. The first BOM action preceded the first fair-process hearing.

WNCC's May 16, 2024 notice states that the full BOM had already voted to discontinue Appellant and that the action was effective May 16, 2024, pending clergy-session approval. Only after that vote was Appellant told he could request a CRC fair-process hearing. The first CRC hearing occurred on June 13, 2024, and the WNCC later rescinded or abandoned the May 2024 action and continued Appellant's provisional status because of process errors. (*Appellant Ex. J, PDF p. 151; WNCC Ex. 5, PDF p. 24; Appellant Exs. K–M.*)

4. After the first process failed, no episcopal appointment was fixed or tendered for Appellant.

WNCC informed Appellant that no appointment was available in the Smoky Mountain District because appointments had already been fixed. A possible cooperative-parish opening in another district was discussed, but the record contains no episcopal appointment, appointment letter, identified compensation, or fixed placement. Appellant continued to request any appointment compatible with his documented limited itinerancy. (*WNCC Ex. 5, PDF pp. 28–31, 47–50; Appellant Ex. B, PDF pp. 27–30.*)

5. The four October “options” were not four appointments.

The WNCC later characterized Appellant as having rejected multiple appointment options. Its own written list shows: (1) voluntary withdrawal; (2) personal leave; (3) a request for a future appointment coupled with immediate leave; and (4) an application for a jail-ministry extension appointment after leaving Piney Grove. Only one contemplated a future local-church appointment, and it expressly said that the WNCC would contact him when an appropriate appointment became available. Appellant returned the limited-itinerancy form and again requested notice of any suitable appointment. No appointment was ever made or tendered. (*WNCC Ex. 5, PDF pp. 45–50; WNCC Remand Br. pp. 3–4.*)

6. The Bishop and Cabinet initiated the second involuntary-discontinuance process.

The Bishop and Cabinet voted on October 28, 2024 to recommend Appellant’s involuntary discontinuance. The November 6, 2024 Cabinet letter, November 13, 2024 hearing notice, and December 19, 2024 BOM notice all identify the Cabinet’s request as the source of the second process and characterize the basis as alleged disobedience and unwillingness to choose

between Piney Grove and UMC clergy status. (*WNCC Exs. 3–4, PDF pp. 4–5; WNCC Ex. 8, PDF p. 62.*)

7. Before the December CRC hearing, Appellant advised WNCC that he had discerned a call to leave Piney Grove.

On December 12, 2024—four days before the second CRC hearing—Appellant wrote that he had never felt called to leave the UMC, had discerned a call to leave Piney Grove, could notify the congregation on December 22, 2024, and sought either leave or an extension appointment solely in jail ministry. The WNCC remand brief’s account of uninterrupted refusal to leave Piney Grove omits this contemporaneous communication. That omission is a material misstatement of the record. (*Appellant Ex. B, PDF pp. 12–13; WNCC Remand Br. pp. 3–9.*)

8. WNCC represented that mandatory ARC review and clergy-session action remained ahead.

The December 19, 2024 BOM notice did not advise that all appellate rights had expired or that the record was frozen. It stated that the ARC would review the involuntary-status process in June 2025 and that the clergy session’s later decision would complete the process. (*WNCC Ex. 8, PDF p. 62.*)

9. The ARC did not conduct the full, neutral review described in WNCC’s later briefs.

Appellant submitted detailed procedural objections and requested a hearing. The ARC chair limited review to the process beginning November 6, 2024. The June 19, 2025 minutes state that Appellant’s submission was edited before review; Appellant was not present; the Assistant to the Bishop was present and supplied a narrative concerning the first process; and the

committee completed its review between 10:05 and 11:00 a.m., before the clergy session later that day. (*WNCC Exs. 13–15, PDF pp. 76–87.*)

C. Corrections to Recurrent WNCC Characterizations

1. Characterization: Appellant voluntarily withdrew from the UMC.

Record correction: The record contains repeated express statements that Appellant desired to remain a UMC provisional elder and refused to request voluntary discontinuance. The WNCC itself continued to treat him as a provisional member, convened two involuntary-discontinuance processes, promised ARC review, and sought a clergy-session vote. The only June 19, 2025 act identified as ending his status was the adverse clergy-session vote—not a prior voluntary act by Appellant. The WNCC also concedes that Piney Grove remained independent rather than joining another denomination. (*Appellant Ex. B, PDF pp. 12–13, 41–43, 98; WNCC Ex. 5, PDF pp. 10, 15; WNCC Exs. 3–4, 8; WNCC Remand Br. p. 3.*)

2. Characterization: Appellant refused several actual appointments.

Record correction: The written record shows no appointment fixed by the bishop. It shows one discussion of a possible out-of-district cooperative-parish opening, while the WNCC acknowledged no Smoky Mountain District appointment was available. The October four-option document consisted primarily of withdrawal and leave choices; its appointment option promised only future contact when an appropriate appointment became available. Appellant completed the limited-itinerancy form and repeatedly requested any appointment that would not cause the identified hardship. (*WNCC Ex. 5, PDF pp. 28–31, 45–50; Appellant Ex. B, PDF pp. 27–30.*)

3. Characterization: Appellant’s “disobedience” is an undisputed fact.

Record correction: “Disobedience” was the Cabinet’s allegation and the stated reason for its referral. No complaint, committee-on-investigation proceeding, or trial adjudicated that

allegation. Appellant consistently disputed WNCC's description of the appointment discussions and requested that his appointment and extension-ministry requests be acted upon. The fact that the CRC and BOM repeated the Cabinet's label does not convert a disputed allegation into an independently adjudicated fact. (*WNCC Exs. 1, 3, 6–7; Appellant Ex. B, PDF pp. 27–30, 41–43; Appellant Remand Br. pp. 3–8.*)

4. Characterization: The first BOM merely referred the matter for a hearing and acted only afterward.

Record correction: The contemporaneous May 16, 2024 notice states the opposite: the Board had already voted to discontinue Appellant, effective May 16, 2024 subject to clergy-session approval, and then offered a fair-process hearing upon request. That document is part of both parties' previously filed exhibits. (*Appellant Ex. J, PDF p. 151; WNCC Ex. 5, PDF p. 24.*)

5. Characterization: The second process was an independent BOM process.

Record correction: The WNCC's own documents state that the Bishop and Cabinet voted to recommend discontinuance, sent the request to the BOM, supplied the allegations against Appellant, and appeared through Cabinet representatives at the CRC hearing. The November 13, 2024 and December 19, 2024 notices expressly attribute the process to the Cabinet request. Further, many of the same individuals who were involved in the first discontinuance effort against Appellant, both within the Cabinet and the BOM were still present and participated in the second discontinuance effort against Appellant. (*WNCC Exs. 3–4, 8, PDF pp. 4–5, 62.*)

6. Characterization: The ARC performed a complete review of Appellant's objections.

Record correction: The ARC chair expressly *excluded* the earlier process, Appellant's filing was edited before being provided to the committee, the Bishop's assistant (who had

prosecuted the case against Appellant before the CRC) participated and supplied substantive narrative while Appellant was absent, and the ARC completed the matter in approximately fifty-five minutes on the *morning* of the clergy-session vote. The minutes record a consensus conclusion but no ground-by-ground findings addressing Appellant’s procedural objections. (*WNCC Exs. 13–15, PDF pp. 76–87.*)

7. Characterization: Appellant neglected a known January deadline and attempted to revive a completed process in June.

Record correction: The WNCC’s December 19, 2024 notice affirmatively told Appellant that ARC review would occur in June and that the clergy-session decision would complete the process. In June 2025, the ARC accepted his submission as an “appeal,” edited it, distributed it, and acted upon it. Appellant then appealed the June 19, 2025 ARC action to SEJCOA on July 18, 2025. (*WNCC Exs. 8–9, 13–15, 18, PDF pp. 62, 76-87, 141-148*)

D. Record-Based Synthesis

- The record does not show a voluntary act by which Appellant joined another denomination, terminated UMC membership, requested discontinuance, or surrendered credentials. It shows the opposite: repeated efforts to remain a UMC provisional elder and obtain an authorized appointment or status.

- The record does not show multiple appointments fixed and rejected. It shows unavailable local appointments, one incompletely developed possible out-of-district placement, a completed limited-itinerancy request, repeated requests for a suitable appointment, and a four-option ultimatum dominated by withdrawal and leave.

- The record does not establish “disobedience” through a judicial or other independent adjudicative process. It shows that the Cabinet selected that characterization, initiated the second administrative process on that basis, and supplied the allegations repeated by the CRC and BOM.

- The record does not show a clean separation between the failed first process and the second process. It shows overlapping actors, a Cabinet-initiated restart, an ARC decision to exclude the first process while nevertheless receiving a substantive narrative from the Bishop’s assistant, and final action on the same day as ARC review.

- Accordingly, the Judicial Council should distinguish between contemporaneous record facts and the argumentative characterizations repeatedly placed upon them. The appeal turns on the legal consequences of the documented acts—not on labels such as “withdrawal,” “refused appointments,” or “undisputed disobedience” that the record itself materially qualifies or contradicts.

V. GROUNDS ARISING FROM THE DECISION ON REMAND

Ground 1. SEJCOA failed to comply with the mandate of JCD 1522 and the decisional requirements of JCD 1373.

Judicial Council Decisin 1522 did not direct SEJCOA merely to defend a predetermined outcome. It remanded for a new ruling and expressly repeated that a valid administrative appellate opinion must include facts, procedural history, authorities, and analysis and must separately address the preserved fair-process grounds. The forfeiture inquiry was added "in addition" to that mandate.

The Decision on Remand identifies almost no procedural history, cites no Judicial Council decisions, does not analyze JCD 1361, JCD 1419, JCD 696, JCD 1482, JCD 1514, JCD 921, or JCD 1103, and does not address the record evidence and textual arguments presented in Appellant's remand brief. It then declines every merits ground. If its forfeiture conclusions are reversed, the very defect identified in JCD 1522 remains: no lower appellate opinion addresses the merits.

Ground 2. SEJCOA erroneously equated involuntary discontinuance with voluntary withdrawal under ¶ 327.6.

Discipline Paragraph 327.6 distinguishes two different acts: a provisional member may voluntarily withdraw to unite with another denomination or terminate UMC membership, or the provisional member may be involuntarily discontinued through the prescribed administrative process. The WNCC invoked and completed the latter process. Appellant never requested discontinuance, united with another denomination, terminated UMC membership, or surrendered credentials as an act of withdrawal. The WNCC points to no recorded act/statement of Appellant that would support such a conclusion.

The record repeatedly states the opposite. Appellant wrote that he did not want to leave the UMC, could not in good conscience request voluntary discontinuance, desired to remain a provisional elder, requested an appropriate appointment, and ultimately advised before the December 2024 CRC hearing that he had discerned a call to leave Piney Grove while seeking a jail-ministry appointment or other status. The WNCC itself described the matter throughout as an "involuntary discontinuance" and promised mandatory ARC review before completion of the process.

Ground 3. The withdrawal holding is internally inconsistent, circular, and legally impossible.

SEJCOA first states that Appellant withdrew "on June 19, 2025, upon the vote of the clergy session." It then says that the supposed withdrawal constituted a request for discontinuance that was "subsequently formalized" by the same June 19th vote. A request must precede the action requested. The decision identifies no voluntary act before the vote and cannot coherently treat that involuntary vote both as the withdrawal and as a later formalization of it.

The ruling also permits the challenged adverse action to eliminate appellate review of itself: the clergy session votes to discontinue a provisional member; that involuntary vote is relabeled the member's withdrawal; and the relabeling forfeits any review of the vote. That construction would collapse any meaningful fair process and make the constitutional and disciplinary appellate protections largely illusory in provisional-discontinuance cases.

Ground 4. The record does not support withdrawal, and the cited withdrawal precedents do not establish it.

Judicial Council Decision 696 involved full communion and lay membership in another denomination. Piney Grove remained independent, and the record contains no act by which Appellant joined another denomination or terminated UMC membership. Judicial Council Decision 1514 did not decide that service at a disaffiliated church constitutes withdrawal; it reversed a hypothetical ruling. Judicial Council Decision 1482 likewise does not authorize a committee on appeals to retroactively convert an involuntary administrative case into a voluntary withdrawal so as to erase appellate rights.

Even if service outside appointment could support some other lawful administrative or judicial action, disputed allegations about service, disobedience, or refusal of appointments cannot substitute for proof of the specific forfeiture described in Discipline ¶ 2719.4(c). The record-only rule in Discipline ¶ 2719.4(f) does not permit forfeiture based on factual assertions that were never established through the required process or administrative record.

Ground 5. SEJCOA applied the wrong event to begin the thirty-day period under ¶ 2719.4(a) (2016 - 2718.4(a)).

The December 2024 CRC recommendation arose under the 2016 Discipline ¶ 2718.3-.4. The ARC and later appeals occurred under the materially parallel 2020/2024 Discipline ¶ 2719.3-.4. Both place “original jurisdiction over the administrative matter” in the ARC and establish the order CRC-to-ARC, ARC-to-jurisdictional appeals committee, and jurisdictional appeals committee-to-Judicial Council.

Discipline Paragraph 2719.3 (2020/24) states that the ARC has "original jurisdiction over the administrative matter." JCD 1361 directly construes that language and states that the thirty-day period begins with the action of the ARC. JCD 1361 also describes Step One as mandatory ARC review of CRC action and Step Two as the administrative appeal from the ARC to the jurisdictional appeals committee.

Decision 1361 directly construed the 2016 language and held that the thirty-day period begins with the action of the ARC. It identified mandatory ARC review as the first step and administrative appeal from ARC action as the next step. SEJCOA instead began the clock with the December 16, 2024 CRC recommendation and imposed a January 18, 2025 deadline for an

appeal "to" the ARC. That holding cannot be reconciled with JCD 1361 or with the original-jurisdiction language the General Conference placed in Discipline ¶ 2719.3.

Ground 6. Mandatory ARC review is not a separate optional appeal whose omission forfeits all later review.

Discipline Paragraphs 327.6 and 635 (2020/24) require ARC review of the entire administrative process before annual-conference action. The ARC has one defined purpose: to ensure that the disciplinary procedures were followed. The review therefore occurs by operation of the Discipline regardless of whether a party separately invokes appellate review.

Judicial Council Decision 1361 places the thirty-day appellate period after ARC action. Judicial Council Decision 1103 likewise explains that the hearing required before a final provisional-membership recommendation is part of the BOM process rather than an appeal from a completed final action. Whatever procedural distinction may exist between automatic ARC review and an administrative appeal, failure to file a separate notice before the ARC had acted cannot be treated as forfeiting the later appeal where JCD 1361 locates the thirty-day period after ARC action. That would convert the mandatory ARC review into a forfeiture trap before ARC action.

Ground 7. WNCC's extra-disciplinary "Path One/Path Two" theory (adopted by the SEJCOA) has no textual or precedential basis.

The WNCC created an imagined two-track system in which "Path One" is a mandatory but non-appealable checklist review and "Path Two" is a separate interlocutory appeal from the CRC that must be filed within thirty days. Neither Discipline ¶ 635 nor ¶ 2719 creates these

labels, freezes the record after a CRC recommendation, or declares that failure to pursue the supposed “Path Two” eliminates appeal from the ARC. Judicial Council Decision 1419 does distinguish automatic ARC review from an administrative appeal, so the distinction between two functions is not itself fictitious. But neither the Discipline nor Decision 1419 holds that failure to file a separate pre-review notice freezes the record and permanently eliminates review of the ARC’s later action. The WNCC’s contention is pure fiction, wholly unsupported by the Discipline and JCDs. In fact, its characterization is a misstatement of United Methodist polity.

More importantly, Decision 1361 identifies the ARC as the body with original jurisdiction and states that the thirty-day period begins with ARC action. SEJCOA therefore erred by converting WNCC’s labels into a jurisdictional forfeiture rule contrary to the controlling construction. The language of Discipline ¶ 2719.4(b) further undermines the WNCC’s theory because it refers to the “appellant body” returning a written statement of its grounds. JCD 1361 identifies that body as the ARC. The structure makes sense when the appeal proceeds from ARC action; it does not support WNCC’s invented forfeiture mechanism.

Ground 8. JCD 1419 does not impose the forfeiture rule adopted by SEJCOA.

Judicial Council Decision 1419 involved administrative location of an elder in full connection and whether the clergy session could act while an interlocutory appellate period remained open. The advocate’s notice of an intent to appeal mattered because the elder possessed stay rights that had to be respected. JCD 1419 did not hold that a provisional member must file a separate written CRC-to-ARC appeal within thirty days or forever lose review of the ARC and annual-conference process.

Indeed, JCD 1419 remanded procedural questions to the ARC because the ARC had failed to exercise the first-level responsibility assigned to it. Its treatment of an "automatic review" and a later administrative appeal does not create the comprehensive "Path One/Path Two" forfeiture system invented by WNCC.

Ground 9. Appellant timely appealed the ARC action to SEJCOA.

The ARC acted and reported on June 19, 2025. Appellant filed his notice and grounds with SEJCOA on July 18, 2025, within thirty days. That is the deadline identified by JCD 1361 and Discipline ¶ 2719.4(a). The appeal therefore was timely, and SEJCOA had jurisdiction to determine whether errors of Church law vitiated the recommendations or actions below.

Ground 10. WNCC's own notice and the ARC's conduct independently defeat forfeiture by neglect.

WNCC's December 19, 2024 letter told Appellant that the ARC "will review" the involuntary-status process in June 2025 and that the clergy-session action would complete the process. That notice did not identify a separate January filing requirement or advise that all later review would otherwise be forfeited. Even under WNCC's later interpretation, Appellant reasonably relied on the Conference's affirmative statement that ARC review would occur without an additional January filing.

Moreover, the ARC accepted Appellant's June 2025 filing, edited and considered portions of it, received substantive ex parte information from the bishop's representative, and issued a report. These acts were real and constitute reviewable ARC actions; they cannot be converted after the fact into a jurisdictional nullity while being used to support the clergy-session vote.

Ground 11. The forfeiture provisions were construed expansively against constitutional rights of trial and appeal.

The 2016 Discipline ¶¶ 20 and 58 and the 2020/2024 Discipline ¶¶ 21 and 59 protect clergy rights to trial and appeal. Discipline Paragraph 2719.4(c) (2020/24) directs that appeals shall be heard unless forfeiture appears. A constitutional appellate right should not be lost through implication, a newly invented procedural path, disputed facts, or a circular relabeling of an adverse vote. The record must establish the specific forfeiting act. It does not do so here.

Ground 12. The remand procedure denied meaningful consideration of newly dispositive issues.

Appellant requested a limited oral hearing to address the new forfeiture theories and the legal effect of the existing record. WNCC opposed the request while inaccurately characterizing JCD 1522 as requiring an order supporting the original affirmance. Appellant corrected that characterization in writing. SEJCOA never ruled on the hearing request and then adopted a dispositive dismissal without engaging Appellant's principal authorities.

Appellant does not contend that oral argument could expand the record. The point is that the Committee resolved novel, case-ending questions without the requested appellate hearing and without a reasoned response to the arguments presented. The omission matters because it reinforces the failure to provide the reasoned analysis required by JCD 1522 and JCD 1373 on novel, case-ending issues. This ground is preserved as an additional fair-process defect in the remand proceeding.

VI. PRESERVED SUBSTANTIVE GROUNDS THAT MUST BE DECIDED IF FORFEITURE IS REJECTED

The following grounds were raised in Appellant's original SEJCOA appeal, first Judicial Council appeal package, opening and reply briefs, and remand brief. They are restated here so that reversal of the forfeiture ruling does not leave the merits unpreserved.

Ground 13. The Cabinet initiated and drove a conference-relations action reserved to the BOM, compromising the BOM's independence.

WNCC documents state that the Cabinet voted to recommend discontinuance and sent its request to the BOM; the November 13, 2024 notice and December 19, 2024 letter likewise identify the Cabinet request as the source of the case. Discipline Paragraph 327.6 places the recommendation for discontinuance with the BOM, and the CRC hears matters referred through the BOM structure. Judicial Council Decision 917 requires separation between Cabinet supervision and BOM deliberative authority.

At minimum, the BOM was required to exercise independent judgment and remain free from Cabinet control. The record instead portrays the BOM/CRC process as implementation of a Cabinet decision arising from an appointment dispute.

Ground 14. WNCC used administrative discontinuance to adjudicate and punish alleged disobedience without the judicial-process protections applicable to chargeable conduct.

The Cabinet referral and CRC findings expressly characterized Appellant as disobedient. Yet no written complaint, supervisory response directed toward just resolution, committee-on-investigation process, trial, or adjudication of a chargeable offense occurred. The CRC treated

disputed allegations of disobedience and refusal of appointments as established facts while Appellant retained a constitutional presumption of innocence and rights to trial and appeal. The process also used the threat of involuntary discontinuance to pressure Appellant to request voluntary discontinuance or leave. JCD 1216 condemns using threatened involuntary action to coerce a supposedly voluntary status. The 2020/2024 Discipline ¶ 362.1(a)(2) fair-process provisions likewise prohibit enlarging an administrative request into a chargeable offense, ¶ 362.1(b)(3) preserves the presumption of innocence, and taken together, both provisions prohibit coercion of voluntary action. Even if administrative discontinuance was theoretically available, it could not be used as a substitute adjudication of misconduct without the safeguards the Discipline assigns to that determination.

Ground 15. The May 16, 2024 BOM vote preceded the required fair-process hearing and evidenced prejudgment.

The full BOM minutes reflect a vote to discontinue Appellant before the June 2024 CRC hearing. Appellant received notice only after that vote and was told that he could request a fair-process hearing. JCD 1373 and the 2016 Discipline ¶ 327.6 required the respondent to be heard before the BOM's final action. Decision 1103 likewise treats the required hearing as part of the BOM process preceding final action

Even if WNCC later abandoned or attempted to restart that process, the prior vote remains relevant to whether later proceedings were genuinely independent, particularly where many of the same decisionmakers participated again and the Conference never transparently documented a complete cure.

Ground 16. The CRC/BOM proceedings failed requirements of notice, record access, and a reviewable hearing record.

Appellant repeatedly requested the records relied upon and contended that notice did not identify the factual and legal basis with sufficient detail. Materials were withheld or produced piecemeal. The record contains no complete transcript or equivalent record of the CRC hearings sufficient to determine what evidence, argument, and deliberative material formed the recommendations.

The 2016 Discipline ¶ 361.2 required detailed notice and access to relied-upon records. Judicial Council Decision 698 and JCD 1419 recognize that the absence of a usable verbatim or equivalent record can deny fair process where no de novo review follows. Judicial Council Decision 921 requires a complete written record of the entire administrative process for ARC review. The deficiencies here impaired Appellant, the ARC, SEJCOA, and the Judicial Council.

Ground 17. Cabinet participation, ex parte influence, overlapping decisionmakers, and the inadequately cured restart denied an impartial process.

Judicial Council Decision 917 prohibits a Cabinet representative from participating in BOM or committee deliberations and from discussing substantive issues outside the respondent's presence. A district superintendent serving as Cabinet representative participated in the first BOM process, which WNCC later acknowledged was irregular. The second process retained many of the same actors; the chair of the first CRC later served as BOM chair, and the record does not establish a genuinely independent new decision-making body.

The later proceedings also included Cabinet witnesses and leadership communications while the administrative bodies treated Cabinet allegations as established. The prior taint,

overlapping roles, and lack of a transparent cure were themselves preserved errors of Church law. Appellant preserves the contention that the cumulative overlap, substantive communications, and lack of a transparent cure violated the independence and anti-ex-parte requirements of the 2016 Discipline ¶ 361.2(d), the 2020/2024 Discipline ¶ 362.2(b)(4), and Decision 917.

Ground 18. The ARC failed to review the entire process, improperly narrowed and edited Appellant's submission, and did not provide a meaningful report.

The 2020/2024 Discipline ¶ 635 requires review of the entire administrative process. Nevertheless, Conference officials through ex parte communications with the ARC limited the ARC review to the process beginning in November 2024, and the ARC minutes reflect that Appellant's submission was edited to identify portions deemed relevant. That limitation excluded the first process even though the WNCC and the bishop's representative supplied narrative history from that process in an ex parte appearance before the ARC.

The ARC did not meaningfully resolve Appellant's procedural objections or provide findings adequate for informed clergy-session action. A same-day checklist report cannot satisfy the ARC's only purpose where substantial, preserved procedural disputes were before it.

Ground 19. The ARC engaged in further inquiry and ex parte substantive communication without including Appellant or following fair-process procedures.

Judicial Council Decision 921 permits record review without the parties, but if the ARC makes further inquiry, all parties must be included and fair-process procedures must be followed. The ARC minutes reflect substantive narrative from the Assistant to the Bishop concerning the

earlier process after the ARC had narrowed Appellant's own submission. Appellant was not present and was not given an opportunity to respond.

That combination violates the rule JCD 921 identifies: the ARC cannot receive one side's substantive explanation outside the written record while excluding the respondent and then rely on that inquiry to approve the process.

Ground 20. The ARC and clergy-session sequencing deprived Appellant of the administrative appeal contemplated by ¶ 2719 and JCD 1361.

The ARC met and reported on the same day as the clergy-session vote. Under JCD 1361, the thirty-day appeal period begins with ARC action, and the clergy session is not to decide the recommendation before the administrative appellate process is complete. Although provisional discontinuance differs as to the immediate effectiveness of BOM action, JCD 1361 expressly distinguishes effectiveness from clergy-session consideration.

Holding ARC review immediately before the clergy-session vote deprived Appellant of any practical opportunity to appeal the ARC action before the vote. The clergy session acted while the newly opened appeal period remained unresolved.

Ground 21. The clergy-session action lacks a record demonstrating compliance with mandatory voting exclusions and cannot be insulated as a merely parliamentary matter.

Judicial Council Decision 1383 and JCD 1408 require Cabinet, BOM, CRC, and ARC members involved in prior discussions, communications, proceedings, or decisions not to vote in the clergy session. The 2020/2024 Discipline ¶ 327.6 codified that exclusion for provisional discontinuance. Although the bishop reportedly instructed categories of persons not to vote, the

record does not identify all persons covered, document their abstention, or provide a vote record from which compliance can be verified, including participants in the first process who may no longer have held the same office.

This is compliance with a mandatory constitutional safeguard in an administrative status action, not merely a discretionary parliamentary ruling. Nothing in Discipline ¶ 2719 makes review of that compliance dependent on requesting a separate episcopal decision of law from the floor. Nevertheless, the record reveals that Appellant requested of the Bishop from the floor a complete recordation of the proceedings, which the presiding Bishop denied.

Ground 22. WNCC failed to give fair and nondiscriminatory consideration to Appellant's extension-ministry and alternative-appointment requests.

Appellant preserved the contention that WNCC applied a categorical policy against extension appointments involving disaffiliated churches, diverted his request from the ordinary extension-ministry process, and repeatedly claimed that he rejected appointments when the record shows requests for an appointment compatible with limited itinerancy and no actual appointment fixed for him.

The 2016 Discipline ¶ 344.1(d) expressly allowed, with approval of the bishop and BOM, certain appointments beyond the usual local United Methodist setting and contemplated pastoral ministry in another Christian denomination at the request of appropriate judicatory officers. That provision did not entitle Appellant to an appointment, and the enumerated open-itinerancy protections did not make association with a disaffiliated church a protected class. The preserved legal issue is narrower: whether WNCC, through its blanket prohibition on clergy service with disaffiliated churches, applied its extension-ministry criteria and appointment process in

violation of the Discipline and then used a materially inaccurate account of that history as the factual basis for involuntary discontinuance.

Appellant further preserved the argument that a blanket policy tied to churches that disaffiliated under the former Discipline ¶ 2553 implicated the Discipline's open-itineracy and nondiscrimination provisions. Appellant does not ask the Judicial Council to make an appointment. He asks it to determine whether an appointment-related policy and dispute were used unlawfully to drive and justify the separate involuntary-status process.

Ground 23. The cumulative errors vitiated the recommendations and actions below under Discipline ¶ 2719.4(g).

The errors did not occur in isolation. Cabinet initiation and pressure, a pre-hearing BOM vote, inadequate notice and records, overlapping actors, disputed findings of disobedience, a tainted and inadequately documented restart, truncated and ex parte ARC review, same-day sequencing, and an unverifiable clergy-session vote combined to deny the constitutionally required fair and impartial process.

Judicial Council Decision 1216 emphasizes that deviations from prescribed administrative safeguards fall below acceptable fair-process standards even when undertaken for convenience or in claimed good faith. The cumulative record requires reversal rather than a harmless-error conclusion.

VII. RELIEF REQUESTED

1. Reverse SEJCOA's determination that Appellant forfeited the right to appeal under Discipline ¶ 2719.4(a) or (c).

2. Hold that the June 19, 2025 involuntary vote did not constitute Appellant's voluntary withdrawal and that Appellant's July 18, 2025 appeal from the ARC action was timely.

3. Reach the preserved errors of Church law on the existing record and reverse the WNCC action discontinuing Appellant's provisional membership, restoring the status held before the challenged action.

4. Alternatively, remand with specific instructions requiring a de novo process before impartial decisionmakers, full notice and record access, a complete reviewable record, meaningful ARC review before any clergy-session action, and documented compliance with voting exclusions.

5. If the Judicial Council determines that SEJCOA rather than the Judicial Council must address the merits first, remand with explicit instructions to decide every preserved ground in a reasoned opinion consistent with JCD 1522 and JCD 1373, and to do so without treating the adverse action itself as forfeiture.

6. Grant any other relief necessary to protect Appellant's constitutional rights and the integrity of the Church's administrative process.

VIII. PRESERVATION

This filing restates and preserves all grounds presented in Appellant's July 18, 2025 SEJCOA appeal, October 29, 2025 SEJCOA brief, first November 12, 2025 Judicial Council notice and appeal package, February 10, 2026 opening brief, February 20, 2026 reply brief, May 18, 2026 SEJCOA remand brief, request for oral hearing, and May 19, 2026 response concerning the remand mandate. The organization and consolidation of overlapping arguments in this filing

do not abandon any narrower contention, record citation, or requested remedy previously presented.

Appellant reserves his right to file any additional briefs permitted by the Judicial Council's docketing order and rules. Because this filing contains the substantive grounds, it should be treated as sufficient even if no later amendment is permitted.

IX. CROSS-REFERENCES TO PRIOR GROUNDS

Prior Filing	Issue Preserved	Current Location
Prior Ground 1	Cabinet initiation / BOM independence	Current Ground 13
Prior Grounds 1.1 and 8	Judicial-process bypass, disobedience, coercion	Current Ground 14
Prior Ground 2	BOM action before fair-process hearing	Current Ground 15
Prior Grounds 3 and 4	Cabinet participation, overlapping actors, tainted restart	Current Ground 17
Prior Ground 4	Notice, records, and lack of reviewable record	Current Ground 16
Prior Ground 5	ARC scope, hearing, ex parte inquiry, and sequencing	Current Grounds 18-20
Prior Ground 6	Clergy-session recusal, vote record, and validity	Current Ground 21

Prior Ground 7 / JCD 1522	SEJCOA decisional inadequacy	Current Ground 1
Prior Ground 9	Extension-ministry / appointment discrimination	Current Ground 22
Remand forfeiture briefing	Withdrawal and thirty-day theories	Current Grounds 2-11
Remand oral-hearing request and May 19 response	Remand procedural fairness	Current Ground 12
All briefs	Cumulative vitiating effect	Current Ground 23

Respectfully submitted

This 17th day of July, 2026.

Jason Earl Berryman Smith
Appellant
255 Poplar Drive
Clyde, North Carolina 28721
PastorJasonSmith1@gmail.com
(828) 508-8301

CERTIFICATE OF SERVICE

I certify that on July 17, 2026, I served this Notice of Appeal, Factual Summary and Consolidated Statement of Grounds by electronic mail upon the Judicial Council Secretary, the Chair of SEJCOA, and counsel for the Western North Carolina Conference at the addresses used for service in this matter. I further certify that the required hard-copy sets are being mailed to the Judicial Council at its published filing address.

Jason Earl Berryman Smith

LIST OF AUTHORITIES CITED

Second Judicial Council Appeal from SEJCOA Decision on Remand

Prior Docket No. 2026-2

This list separates authorities by the edition of the Discipline applicable to the event at issue. It states the limited proposition for which each authority is cited in the revised appeal; it is not intended as a substitute for the full text.

I. THE BOOK OF DISCIPLINE - 2016 EDITION

¶¶ 20 and 58

Constitutional protections for clergy trial by committee and appeal.

¶ 327.6

Distinguishes voluntary withdrawal/request for discontinuance from involuntary discontinuance; requires fair process before final recommendation and ARC review under ¶ 636 before annual-conference hearing.

¶ 343

Describes extension ministries beyond the local United Methodist church and continuing accountability within the itineracy.

¶ 344.1(d)

Permits certain appointments beyond usual United Methodist settings when approved by the bishop and BOM; may include pastoral ministry in another Christian denomination at the request of appropriate judicatory officers. Does not create an entitlement to appointment.

¶ 361.1

Assigns conference-relations matters to the BOM/CRC structure and protects the functions of the BOM.

¶ 361.2

Administrative fair-process protections in 2024, including hearing before final action, detailed notice, access to relied-upon records, and prohibition of ex parte communications.

¶ 425.1

Open itineracy provision. Its enumerated protected classes do not include association with a disaffiliated church; therefore the revised appeal does not rely on it as a protected-class claim.

¶ 636

Requires the ARC to review the entire administrative process and report before annual-conference action; identifies ARC's sole purpose and remedial options.

¶ 2718.3-.4

2016 order and rules for administrative appeals, including CRC-to-ARC order, ARC original jurisdiction, thirty-day notice, forfeiture, record-only review, vitiating-error standard, and remedial power.

II. THE BOOK OF DISCIPLINE - 2020/2024 EDITION

¶¶ 21 and 59

Current constitutional protections for clergy trial by committee and appeal.

¶ 327.6

Governs the 2025 ARC/clergy-session phase; retains the distinction between voluntary withdrawal and involuntary discontinuance, requires fair process and ARC review, and codifies voting exclusions.

¶ 362.1(a)(1)-(2), (b)(1), (b)(3)

Protects BOM/CRC functions from improper interference; bars enlargement of an administrative request into a chargeable offense; prohibits coercion of voluntary action; preserves the presumption of innocence.

¶ 362.2(b)

Current administrative fair-process provisions, including the right to be heard in a verbatim record, detailed notice, record access, anti-ex-parte protection, administrative appeal, stay before clergy-session action, and voting exclusions.

¶ 635

Requires review of the entire administrative process and a report before annual-conference action; authorizes remedial action for errors.

¶ 2719.3-.4

Current administrative appeal order and procedure, including ARC original jurisdiction, thirty-day notice, forfeiture, record-only review, vitiating-error standard, and remedial authority.

III. JUDICIAL COUNCIL DECISIONS AND MEMORANDA

Decision 696

Actual reception into another denomination is incompatible with continuing UMC membership; cited to distinguish this record, which contains no joining of another denomination.

Decision 698

A prohibition on a verbatim record can violate fair process where no meaningful de novo review follows.

Decision 736

Annual-conference procedures may not enlarge chargeable offenses, destroy the presumption of innocence, or diminish constitutional fair-process protections.

Decision 917

A Cabinet representative may not participate in BOM/committee deliberations or votes and may not discuss substantive issues ex parte. It does not hold that a Cabinet request alone is unlawful.

Decision 921

ARC ordinarily reviews the complete written record without party participation; if it makes further inquiry, all parties must be included and fair-process protections followed.

Decision 1103

The required provisional-membership hearing is part of the BOM process preceding final action, not an appeal from a completed final decision.

Decision 1216

Involuntary administrative action may not be used to coerce a supposedly voluntary status change; prescribed safeguards must be followed.

Decision 1361

ARC has original jurisdiction; mandatory ARC review is the first step; the thirty-day administrative appeal period begins with ARC action; clergy-session consideration must await completion of appeal, while immediate effectiveness of provisional discontinuance is separately addressed.

Memorandum 1373

Administrative appellate opinions must provide a reasoned statement of facts, procedural history, law, analysis, and grounds sufficient for meaningful review.

Decision 1383

Persons involved in prior administrative discussions or decisions are disqualified from voting in the clergy session on the recommendation.

Memorandum 1408

Clarifies Decision 1383 and the scope of voting exclusions for Cabinet, BOM, CRC, and ARC participants.

Decision 1419

Distinguishes mandatory ARC review from an invoked administrative appeal; addresses stay/sequencing in an elder administrative-location case; does not decide the forfeiture rule applied here.

Decision 1482

An annual conference may not condition local-church disaffiliation on a clergy declaration; distinguishes conference membership and credentials. It does not hold that continued service at an independent congregation automatically forfeits an appeal.

Decision 1514

Reversed a bishop's hypothetical ruling concerning service at a disaffiliated church; did not decide the merits of whether such service constitutes withdrawal.

Decision 1522

Remanded this case for a new SEJCOA ruling meeting Memorandum 1373 and, at minimum, separately addressing the preserved fair-process grounds; additionally required determination of forfeiture.

IV. FILING AUTHORITIES**Judicial Council Rules of Practice and Procedure, Part V and Appendix C (restated Jan. 20, 2026)**

Current docket, service, copy, length, electronic-format, and brief-format requirements.

Judicial Council Notice of Appeal form

Official form for filing an administrative appeal.

Judicial Council Submission of Briefs form (updated Nov. 3, 2025)

Required identifying form accompanying briefs.

BEFORE THE SOUTHEASTERN JURISDICTION COMMITTEE ON APPEALS

IN RE: Administrative Appeal of Jason Smith

DECISION ON REMAND

This matter comes before the Southeastern Jurisdiction Committee on Appeals ("SEJCOA") on remand from the Judicial Council pursuant to Judicial Council Memorandum 1522.

In its Memorandum, the Judicial Council directed the SEJCOA to determine whether the Appellant had forfeited the right to appeal under ¶2719.4 of *The Book of Discipline* before addressing the merits of the appeal and did so "in consideration of whether it has jurisdiction in this appeal." The Judicial Council further noted that "[a]ppeals shall be heard by the proper appellate body unless it shall appear to the said body that the appellant has forfeited the right to appeal" and that "[t]he right to appeal, when once forfeited by neglect or otherwise, cannot be revived by any subsequent appellate body."

It appears to this Committee, on the basis of the record before it, that the Appellant forfeited the right to appeal by withdrawal from the Church on June 19, 2025, upon the vote of the clergy session of the Western North Carolina Conference. Prior to withdrawing, the Appellant was a provisional member. Paragraph 327.6 provides: "When provisional members in good standing withdraw to unite with another denomination or to terminate their membership in The United Methodist Church, their action shall be considered a request for discontinuance of their relationship and their credentials shall be surrendered to a district superintendent."

By operation of ¶327.6, the Appellant's withdrawal constituted a request for discontinuance of provisional membership. That withdrawal was subsequently formalized through action of the clergy session discontinuing the Appellant's provisional membership on June 19, 2025. The Committee therefore concludes that the Appellant withdrew from The United Methodist Church within the meaning of ¶2719.4(c) and thereby forfeited the right to appeal.

Furthermore, the record reflects that the Conference Relations Committee rendered its recommendation on December 16, 2024. Notice of that recommendation was provided to Mr. Smith on December 19, 2024. Pursuant to ¶2719.4(a), any appeal to the Administrative Review Committee was required to be filed within thirty days, making the deadline January 18, 2025. The Appellant filed or attempted to file an appeal on June 3, 2025. The Committee therefore finds that the appeal was not perfected within the thirty-day period required by ¶2719.4(a).

The Committee finds that the Appellant did not perfect a timely appeal from the recommendation of the Conference Relations Committee to the Administrative Review Committee within the thirty-day period required by ¶2719.4(a). Because the right to appeal was forfeited through failure to timely perfect the appeal, that right could not thereafter be revived pursuant to ¶2719.4(d) by the SEJCOA or the Judicial Council..

Accordingly, the Committee concludes that the Appellant forfeited the right to appeal on two independent grounds: first, by withdrawal from the Church under ¶2719.4(c); and second, by failure to perfect a timely appeal under ¶2719.4(a). Either ground independently results in forfeiture of the right to appeal.

Accordingly, the SEJCOA lacks jurisdiction to consider the substantive allegations raised by the Appellant concerning fair process or errors of church law because the Appellant forfeited the right to appeal under ¶2719.4 and, once forfeited, that right cannot be revived. Any discussion of those claims would be advisory only and beyond the authority of this Committee once jurisdiction has been lost by forfeiture of the right to appeal.

The Committee notes that its prior decision addressed the merits of the appeal. In light of the Judicial Council's remand and the jurisdictional questions now before us, we conclude that it was improper for the Committee to reach the merits without first determining whether the Appellant retained a right of appeal. Having now determined that the right to appeal had been forfeited, the Committee vacates its prior merits determination and dismisses the appeal for lack of jurisdiction resulting from forfeiture of the right to appeal under ¶2719.4.

IT IS THEREFORE ORDERED that the appeal is DISMISSED for lack of jurisdiction resulting from the Appellant's forfeiture of the right to appeal under ¶2719.4.

Respectfully submitted,
Southeastern Jurisdiction Committee on Appeals

Re: JCD 1522

2 messages

Emily Kincaid <emily.d.kincaid@gmail.com>

Wed, Jun 17, 2026 at 12:46 PM

To: UMC Judicial Council Secretary <secretary@umcjudicialcouncil.org>

Cc: Jason Smith <pastorjasonsmith1@gmail.com>, Greg Huffman <ghuffman@phd-law.com>

Greetings in the name of Christ.

Please find the SEJCOA Remand Response to Judicial Council Memorandum 1522 attached to this email. Do I need to mail 13 hard copies to the Judicial Council? I'm happy to do so if needed.

Grace and peace,
Emily Kincaid

On Fri, Apr 24, 2026 at 3:02 PM UMC Judicial Council Secretary <secretary@umcjudicialcouncil.org> wrote:

Attached is Judicial Decision 1522

Grace and Peace,

Rev. Angela Brown, JD

Secretary of the Judicial Council of the United Methodist Church

secretary@umcjudicialcouncil.org

Mail Hard Copies To:

Secretary of the Judicial Council

c/o LaNella Smith,

1215 Shady Lane, Durham, NC 27712

Email: secretary@umcjudicialcouncil.org

 **JCD 1522 Remand Response.pdf**
42K

Jason Smith <pastorjasonsmith1@gmail.com>

Wed, Jun 17, 2026 at 2:08 PM

Draft To: Emily Kincaid <emily.d.kincaid@gmail.com>

Cc: UMC Judicial Council Secretary <secretary@umcjudicialcouncil.org>, Greg Huffman <ghuffman@phd-law.com>

Rev. Kincaid:

I do intend to file a notice of appeal of this ruling to the Judicial Council, so they will need copies of your Committee's decision. I will defer to your decision as to the appropriate process for that.

Sincerely,

Rev. Jason E. B. Smith

(828) 508-8301

PastorJasonSmith1@gmail.com (clergy email)

[Quoted text hidden]

Re: Notice Regarding the WNCC's Refusal to Correct Material Misstatements of Fact/Law

1 message

Emily Kincaid <emily.d.kincaid@gmail.com>

Tue, May 19, 2026 at 3:55 PM

To: Jason Smith <pastorjasonsmith1@gmail.com>

Cc: Greg Huffman <ghuffman@phd-law.com>, Bishop <bishop@wnccumc.org>, Kim Ingram <kingram@wnccumc.org>

Thank you. We have received all the correspondence and documentation. The committee will consider everything that has been submitted. We will not accept any further information or documentation at this time. We will use the 90 day window granted by the Judicial Council to formulate our response.

Grace and peace,
Emily Kincaid

On Tue, May 19, 2026 at 2:43 PM Jason Smith <pastorjasonsmith1@gmail.com> wrote:

Rev. Kincaid,

I respectfully submit this short notice because the WNCC's supplemental remand brief and subsequent opposition to oral hearing contain statements that I believe materially misstate the record, the Discipline, and the mandate of JCD 1522.

While I have addressed in detail in my brief, the misstatements of the record and Discipline, I believe these misstatements are significant enough to warrant a separate flagging, so as not to get lost in the arguments of the parties. I believe these go well beyond simple disagreements over interpretations of polity and characterization of facts.

Before raising this with the Committee, I wrote directly to Chancellor Huffman and identified the specific statements I contend require correction. I asked the WNCC to correct or clarify those matters so the Committee would not rely on them as undisputed fact or settled church law. Chancellor Huffman has now responded that the WNCC believes "there is nothing to correct in the WNCC briefing."

I therefore respectfully ask the Committee *not* to treat the following WNCC assertions as undisputed fact or controlling law:

1. WNCC's assertion that it is "not in dispute" that I was offered other actual appointment options and simply declined them, along with the other disputed factual assertions I raise in my brief. The bulleted list of "facts" the WNCC submits as "not in dispute" is a material misstatement;
2. WNCC's "Path One/Path Two" procedural framework, including its assertion that because no so-called "Path Two" appeal was filed within thirty days of the CRC recommendation, the administrative record was fixed, I could no longer contest fair process, the ARC review was not appealable, and the appellate process was "effectively over". These are completely unsupported by the Discipline and interpreting Judicial Council precedent, and the WNCC's Exhibit A chart is a material misrepresentation of UM polity;
3. WNCC's incomplete description of the ARC process. WNCC states that the ARC "reviewed the process below" and considered my written materials, but omits that the ARC review was limited to the second discontinuance process, that the Conference Secretary narrowed the issues presented, and that the ARC received substantive information from the bishop's representative/assistant outside my presence. Those omitted facts are actually *not* in dispute and are material to whether the ARC performed the complete ¶ 635 review WNCC claims occurred;
4. WNCC's assertion that the ¶ 635 ARC review "was not subject to appeal at all". There is no authority supporting that patently false conclusion of law;

5. WNCC's description of JCD 1419 as involving a CRC decision to discontinue a provisional member, while its own footnote acknowledges that JCD 1419 did not involve involuntary discontinuance of provisional status;
6. WNCC's presentation of JCD 696, JCD 1482, and JCD 1514 as though those decisions hold that service to an independent disaffiliated congregation automatically terminates UMC membership and eliminates fair-process and appellate rights; and
7. WNCC's subsequent statement that JCD 1522 merely requires the Committee to issue an order "supporting the original affirmance." JCD 1522 remanded for "a new ruling"; it did not direct the Committee to justify a predetermined affirmance.

I am not asking to supplement the administrative record through this notice. I am asking only that the Committee decide the remand issues based on the *actual* record, the Discipline, and controlling Judicial Council precedent, rather than on the WNCC's legally incorrect/disputed characterizations presented as settled law or undisputed fact.

Respectfully,

Rev. Jason E. B. Smith

(828) 508-8301

PastorJasonSmith1@gmail.com (clergy email)



Re: JCD 1522 Remand

1 message

Jason Smith <pastorjasonsmith1@gmail.com>

Tue, May 19, 2026 at 12:37 PM

To: Greg Huffman <ghuffman@phd-law.com>

Cc: Emily Kincaid <emily.d.kincaid@gmail.com>, Bishop <bishop@wnccumc.org>, Kim Ingram <kingram@wnccumc.org>

Rev. Kincaid,

I respectfully request the opportunity to respond briefly to WNCC's opposition to my request for oral hearing because the opposition materially misstates the mandate in JCD 1522.

WNCC states that "JCD 1522 did not vacate the SEJ affirmance" and that the Committee's task is "simply" to issue an order "supporting the original affirmance." That is not what JCD 1522 says. The Judicial Council held that the prior SEJCOA decision "does not meet the requirements for a decision by a committee on appeals" and remanded the matter "for a new ruling." JCD 1522 does not direct the SEJCOA to justify a predetermined affirmance. It requires a legally sufficient appellate ruling addressing the grounds raised and the forfeiture questions identified by the Judicial Council.

WNCC's assertion that oral argument is "legally inappropriate" because the record is fixed also conflates evidentiary supplementation with legal argument. I am not requesting oral hearing to introduce new evidence. I am requesting oral hearing to address the legal effect of the existing record, the governing Discipline provisions, and the Judicial Council precedents that WNCC's supplemental brief materially mischaracterizes. Oral argument would not expand the record; it would assist the Committee in applying church law to the record already before it.

Nor should WNCC's opposition be understood to prevent the Committee from considering the prior appellate materials submitted in this matter. Those materials are not offered to create a new administrative record. They identify the preserved grounds of appeal, the procedural posture before the Judicial Council, and the matters the Judicial Council found the SEJCOA's prior ruling failed to address adequately.

I am particularly concerned because WNCC's supplemental brief asks the Committee to adopt a "Path One/Path Two" procedural framework that is not found in the Discipline and to conclude that my appellate rights were "effectively over" before the clergy session acted. That legal theory is unsupported by the Discipline and Judicial Council precedents and should not be treated as a neutral description of church law without careful examination.

For these reasons, I respectfully renew my request for oral hearing. In the alternative, if the Committee denies oral hearing, I ask that the Committee not rely on WNCC's characterization that JCD 1522 merely requires an order supporting the prior affirmance. The remand calls for a new ruling, not a post hoc defense of the prior result.

Sincerely,

Rev. Jason E. B. Smith

(828) 508-8301

PastorJasonSmith1@gmail.com (clergy email)

On Tue, May 19, 2026 at 6:57 AM Greg Huffman <ghuffman@phd-law.com> wrote:

Good morning Rev. Kincaid,

The Western North Carolina Conference respectfully opposes the Appellant's Request for Oral Hearing as submitted yesterday.

Under The Book of Discipline and the explicit directive of the Judicial Council in JCD 1522, an oral hearing is neither necessary nor legally appropriate at this stage of the proceedings for the following reasons:

1. **Strictly Limited Record:** Under ¶ 2719.4a and ¶ 2719.4f, appellate review on remand is strictly confined to the existing written administrative record. Oral argument cannot alter, expand, or supplement the fixed factual record regarding the Appellant's status or the timing of the annual conference action. JCD 1522 did not vacate the SEJ affirmance of annual conference action, rather it ordered the SEJ to put forth a more detailed order supporting its affirmance. As currently in front of the SEJ, this is not a de novo review. The committee's mandate is to simply issue an order with findings of fact and conclusions of law that supports the original affirmance. The Judicial Council will review that order.
2. **Exhaustive Briefing Already Provided:** Both parties have already submitted comprehensive supplemental briefs directly addressing the threshold jurisdictional and forfeiture questions raised by the Judicial Council on its own motion. The legal issues have now been fully articulated in writing by the parties.
3. **Strict 90-Day Mandate:** The Judicial Council has placed an explicit three-month deadline on the SEJ Committee to deliberate and issue a highly detailed, ground-by-ground written order supporting its original affirmance of conference action. Coordinating, scheduling, and convening an oral hearing would squander limited committee time that should be dedicated to the drafting mandate imposed by JCD 1522.

Furthermore, the Conference objects to the Appellant's stated intent to introduce extraneous pleadings from the Judicial Council level into this remand file. The SEJ Committee is bound solely by the underlying conference record and the current remand briefs in its work.

The Conference respectfully requests that the SEJ Committee deny the request for an oral hearing and proceed to determine the threshold jurisdictional questions on the basis of the written submissions.

Our position is that the SEJ Committee now has what it needs to complete its work per the remand and does not need anything further from the parties.

Respectfully,

Gregory D. Huffman

Partner



Post Office Box 218, Hickory, NC 28603

34 Second Street NW, Suite 400, Hickory, NC 28601

Direct 828.358.2204

Fax 828.322.9340

ghuffman@phd-law.com

<http://www.patrickharperdixon.com>

From: Jason Smith <pastorjasonsmith1@gmail.com>

Sent: Monday, May 18, 2026 11:41 PM

To: Emily Kincaid <emily.d.kincaid@gmail.com>

Cc: Greg Huffman <ghuffman@phd-law.com>; Bishop <bishop@wnccumc.org>; Kim Ingram <kingram@wnccumc.org>

Subject: Re: JCD 1522 Remand

Rev. Kincaid:

Thank you for the additional time.

Attached, please find the Appellant's brief on remand before the Southeastern Jurisdiction Committee on Appeals (SEJ) - ("SEJCOA Remand Brief - Jason Smith.pdf").

I am also attaching the following additional documents for your reference and review:

- Request of Appellant for Oral Argument before the SEJ on Remand (review & ruling requested)
- WNCC Exhibits filed before the Judicial Council (JC) (for reference)
- Appellant's Exhibits filed before the JC (for reference)
- Appellant's Appeal to the JC (for reference)
- Appellant's Brief to the JC (for reference)
- Appellant's Reply Brief to the JC (for reference)

At your convenience, could you please confirm receipt?

Please let me know if you have any questions or need anything further from me in connection with these documents/requests.

Sincerely,

Rev. Jason E. B. Smith

(828) 508-8301

PastorJasonSmith1@gmail.com (clergy email)

On Fri, May 15, 2026 at 1:27 PM Emily Kincaid <emily.d.kincaid@gmail.com> wrote:

Yes, that will be fine. The deadline is extended until
11:59pm EST on Monday, May 18.

Grace and peace,
Emily Kincaid

On Fri, May 15, 2026 at 11:58 AM Greg Huffman <ghuffman@phd-law.com> wrote:

Hi Rev. Kincaid,

WNCC has no problem with Monday and consents to Jason Smith's request.

Best,

Greg Huffman

From: Jason Smith <pastorjasonsmith1@gmail.com>

Sent: Friday, May 15, 2026 12:41 PM

To: Emily Kincaid <emily.d.kincaid@gmail.com>

Cc: Greg Huffman <ghuffman@phd-law.com>; Bishop <bishop@wnccumc.org>; Kim Ingram <kingram@wnccumc.org>

Subject: Re: JCD 1522 Remand

Rev. Kincaid:

Given that May 17th falls on a Sunday, I would respectfully request a brief extension until 11:59pm EST on Monday, May 18.

Please advise if this is acceptable.

Sincerely,

Rev. Jason E. B. Smith

(828) 508-8301

PastorJasonSmith1@gmail.com (clergy email)

On Sat, May 9, 2026 at 10:12 PM Emily Kincaid <emily.d.kincaid@gmail.com> wrote:

Chancellor Huffman,

Thank you for your message and for sending the document.

I agree with your suggestion.

Mr. Smith, if you wish to do so, please submit your response to this matter by end of business on May 17, 10 days following the brief from the Chancellor.

Grace and peace,

Emily Kincaid

On Thu, May 7, 2026 at 1:42 PM Greg Huffman <ghuffman@phd-law.com> wrote:

Good afternoon Rev. Kincaid,

I serve as Chancellor for the Western North Carolina Conference.

Due to the narrow scope of the Judicial Council's remand in JCD 1522 regarding Jason Smith's appellate matter—specifically the two jurisdictional questions the Council directed the SEJ to address—I am respectfully submitting the enclosed supplemental brief on behalf of the Western NC Conference. The document is attached in both Word and PDF formats.

Because the Council raised these jurisdictional issues on its own motion, the record would benefit from the parties' specific briefing on these points. I believe it is prudent for the SEJ Committee to have the benefit of the parties' full positions on these specific questions as you move toward a final order.

To ensure procedural fairness, I suggest that Jason Smith be granted 10 days from today to submit a response to this supplemental filing. This timeframe allows for a full response while ensuring the SEJ remains on the 90-day track required by the Judicial Council.

This submission is intended to assist the Committee and all parties in reaching a clear resolution on the jurisdictional thresholds. I am available to discuss this further should the Committee have any questions.

Respectfully,

Gregory D. Huffman

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