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This memorandum is uncorrected and subject to revision before
publication in the New York Reports.

No. 220 SSM 22
In the Matter of Diane Mendez,
Respondent,
v.
New York City Department of
Education, et al.,
Appellants.

Submitted by Emma Grunberg, for appellants.
Respondent, precluded.

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On review of submissions pursuant to section 500.11 of the Rules,
order, insofar as appealed from annulling the determination to
terminate petitioner's probationary employment, reversed, without
costs, so much of the petition as sought to annul that
determination dismissed, and certified question answered in the
negative. Petitioner did not establish that the termination of
her probationary employment "was for a constitutionally
impermissible purpose, violative of a statute, or done in bad
faith" (Matter of Frasier v Board of Educ. of City School Dist.
of City of N.Y., 71 NY2d 763, 765 [1988]). Chief Judge DiFiore
and Judges Pigott, Rivera, Abdus-Salaam, Stein, Fahey and Garcia
concur.

Decided October 25, 2016