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STATE SUPREME COURT REJECTS EMPLOYMENT DISCRIMINATION CLAIM AGAINST HATCH VALLEY PUBLIC SCHOOLS

SANTA FE – The state Supreme Court on Thursday rejected a discrimination claim by a former employee of the Hatch Valley Public Schools who alleged she was terminated because she is not Hispanic.

In a unanimous ruling, the Court found there was insufficient evidence to show discriminatory termination of the former bus driver, Natalie Garcia, who characterized her national origin as German and non-Hispanic.

In making its decision, the Supreme Court determined that the New Mexico Human Rights Act allowed Garcia to claim discrimination as a non-Hispanic and that a person bringing a "reverse discrimination" claim under the state law does not face a higher burden of evidence than a member of a racial minority who files a discrimination complaint.

The Court said that "under the NMHRA, its protections and requirements apply equally to all plaintiffs, regardless of their minority or majority status."

The school district provided "extensive evidence" that Garcia was terminated in 2010 because of performance issues and an unsatisfactory job evaluation, according to the Court. Garcia had received warnings for several incidents, including failing to use bus flashers when picking up students, backing into another bus at a fueling station, and for hitting and uprooting a rail in a school parking lot.

"Plaintiff's evidence does not raise a genuine issue of material fact that her non-Hispanic national origin was a motivating factor in HVPS's decision to terminate her employment," the Court concluded in an opinion written by Senior Justice Petra Jimenz Maes.

The ruling upheld the dismissal of Garcia's lawsuit by the Third Judicial District Court and overturned a decision by the state Court of Appeals in 2016 that would have allowed the employment case to proceed to trial.

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To read the decision in *Garcia v. Hatch Valley Public Schools*, No. S-1-SC-35641 slip op. (N.M. S. Ct. March 1, 2018), please visit the New Mexico Compilation Commission's website using the following link:

http://www.nmcompcomm.us/nmcases/nmsc/slips/SC35,641.pdf