

United States Court of Appeals  
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 23-5169

September Term, 2024

1:18-cv-00038-RBW

Filed On: October 3, 2024

Dorian Van Horn,

Appellant

v.

Carlos Del Toro, in his official capacity as  
Secretary, U.S. Department of the Navy,

Appellee

**BEFORE:** Srinivasan, Chief Judge; and Wilkins and Walker, Circuit Judges

**ORDER**

Upon consideration of appellee's motion to amend the unpublished judgment or, in the alternative, petition for panel rehearing, it is

**ORDERED** that the motion to amend be granted. The judgment filed June 21, 2024, is hereby amended as follows:

(1) On page 4, second ¶, delete:

It is of no consequence that *Muldrow* was a private-sector Title VII case whereas this is a federal-sector ADEA case. We have always interpreted Title VII and the ADEA identically as far as adverse actions go, and we have likewise always treated the private-sector and federal-sector provisions of those statutes alike in that respect. See *George v. Leavitt*, 407 F.3d 405, 410–11 (D.C. Cir. 2005); *Baloch v. Kempthorne*, 550 F.3d 1191, 1196 (D.C. Cir. 2008); *Miller v. Clinton*, 687 F.3d 1332, 1336–37 (D.C. Cir. 2012). Understandably, no one asks us to do otherwise here.

The Clerk is directed to issued the amended judgment. The Clerk is further directed to issue the mandate forthwith.

**Per Curiam**

**FOR THE COURT:**  
Mark J. Langer, Clerk

BY: /s/  
Daniel J. Reidy  
Deputy Clerk