

NOTE: This order is nonprecedential.

**United States Court of Appeals  
for the Federal Circuit**

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**ELEAZAR AVALOS, JAMES DAVIS,**  
*Plaintiffs-Appellees*

v.

**UNITED STATES,**  
*Defendant-Appellant*

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2021-2008

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Appeal from the United States Court of Federal Claims  
in No. 1:19-cv-00048-PEC, Judge Patricia E. Campbell-  
Smith.

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**L. KEVIN ARNOLD, MARTIN LEE, MARK MUNOZ,  
MATTHEW PERRY, AARON SAVAGE, JENNIFER  
TAYLOR, RALPH FULVIO, DAVID KIRSH,  
ROBERT RIGGS,**  
*Plaintiffs-Appellees*

v.

**UNITED STATES,**  
*Defendant-Appellant*

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2021-2009

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Appeal from the United States Court of Federal Claims  
in No. 1:19-cv-00059-PEC, Judge Patricia E. Campbell-  
Smith.

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**ROBERTO HERNANDEZ, JOSEPH QUINTANAR,  
INDIVIDUALLY AND ON BEHALF OF ALL  
OTHERS SIMILARLY SITUATED,**  
*Plaintiffs-Appellees*

v.

**UNITED STATES,**  
*Defendant-Appellant*

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2021-2010

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Appeal from the United States Court of Federal Claims  
in No. 1:19-cv-00063-PEC, Judge Patricia E. Campbell-  
Smith.

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**LORI ANELLO, KARL BLACK, GEORGE CLARY,  
WILLIAM DENELL, JUSTIN GROSSNICKLE, ERIC  
INKROTE, TIMOTHY MCGREW, MARK MILLER,  
DAVID NALBORCZYK, MARTIN NEAL, JR., LUKE  
PALMER, THOMAS RHINEHART, JR., IVAN TODD,**  
*Plaintiffs-Appellees*

v.

**UNITED STATES,**  
*Defendant-Appellant*

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2021-2011

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Appeal from the United States Court of Federal Claims  
in No. 1:19-cv-00118-PEC, Judge Patricia E. Campbell-  
Smith.

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**BRIAN RICHMOND, ADAM SMITH, THOMAS  
MOORE, CHRIS BARRETT, WILLIAM ADAMS,  
KELLY BUTTERBAUGH, DAN ERZAL, BRIAN W.  
KLINE, KEVIN J. SHEEHAN, JASON KARLHEIM,  
CHARLES PINNIZZOTTO, JASON DIGNAN,  
MATHEW BECK, STEPHEN SHRIFT, JAMES  
BIANCONI, CHRISTOPHER GRAFTON, JESSE  
CARTER, MICHAEL CRUZ, CARL WARNER, BRIAN  
OWENS, BRIAN MUELLER, BRYAN BOWER,  
COREY TRAMMEL, JAMES KIRKLAND,  
KIMBERLY BUSH, BOBBY MARBURGER, RODNEY  
ATKINS, LEONEL HERNANDEZ, JOSEPH  
AUGUSTA, EDWARD WATT,**  
*Plaintiffs-Appellees*

v.

**UNITED STATES,**  
*Defendant-Appellant*

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2021-2012

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Appeal from the United States Court of Federal Claims  
in No. 1:19-cv-00161-PEC, Judge Patricia E. Campbell-  
Smith.

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**JUSTIN TAROVISKY, GRAYSON SHARP, SANDRA  
PARR, JUSTIN BIEGER, JAMES BRATTON,  
WILLIAM FROST, STEVE GLASER, AARON  
HARDIN, STUART HILLENBRAND, JOSEPH  
KARWOSKI, PATRICK RICHOUX, DERRECK  
ROOT, CARLOS SHANNON, SHANNON  
SWAGGERTY, GEOFFRY WELLEIN, BECKY  
WHITE, TAMMY WILSON,**  
*Plaintiffs-Appellees*

**v.**

**UNITED STATES,**  
*Defendant-Appellant*

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2021-2014  
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Appeal from the United States Court of Federal Claims  
in No. 1:19-cv-00004-PEC, Judge Patricia E. Campbell-  
Smith.

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**QUENTIN BACA, LEPHAS BAILEY,  
CHRISTOPHER BALLESTER, KEVIN BEINE,  
DAVID BELL, RICHARD BLAM, MAXIMILIAN  
CRAWFORD, MATTHEW CRUMRINE, JOHN  
DEWEY, JEFFREY DIAMOND,**  
*Plaintiffs-Appellees*

**v.**

**UNITED STATES,**  
*Defendant-Appellant*

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2021-2015

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Appeal from the United States Court of Federal Claims  
in No. 1:19-cv-00213-PEC, Judge Patricia E. Campbell-  
Smith.

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**DAVID JONES, INDIVIDUALLY AND ON BEHALF  
OF ALL OTHERS SIMILARLY SITUATED,**  
*Plaintiff-Appellee*

v.

**UNITED STATES,**  
*Defendant-Appellant*

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2021-2016

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Appeal from the United States Court of Federal Claims  
in No. 1:19-cv-00257-PEC, Judge Patricia E. Campbell-  
Smith.

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**TONY ROWE, ALIEU JALLOW, KARLETTA BAHE,  
JOHNNY DURANT, JESSE A. MCKAY, III, GEORGE  
DEMARCE, JACQUIE DEMARCE,**  
*Plaintiffs-Appellees*

v.

**UNITED STATES,**  
*Defendant-Appellant*

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2021-2017

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Appeal from the United States Court of Federal Claims  
in No. 1:19-cv-00067-PEC, Judge Patricia E. Campbell-  
Smith.

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**D. P., T. S., J. V.,**  
*Plaintiffs-Appellees*

**v.**

**UNITED STATES,**  
*Defendant-Appellant*

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2021-2018

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Appeal from the United States Court of Federal Claims  
in No. 1:19-cv-00054-PEC, Judge Patricia E. Campbell-  
Smith.

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**PLAINTIFF NO. 1, PLAINTIFF NO. 2, PLAINTIFF**  
**NO. 3, PLAINTIFF NO. 4,**  
*Plaintiffs-Appellees*

**v.**

**UNITED STATES,**  
*Defendant-Appellant*

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2021-2019

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Appeal from the United States Court of Federal Claims  
in No. 1:19-cv-00094-PEC, Judge Patricia E. Campbell-  
Smith.

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**I. P., A. C., S. W., D. W., P. V., M. R., R. C., K. W., B. G.,  
R. H., INDIVIDUALLY AND ON BEHALF OF ALL  
OTHERS SIMILARLY SITUATED,**  
*Plaintiffs- Appellees*

v.

**UNITED STATES,**  
*Defendant-Appellant*

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2021-2020

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Appeal from the United States Court of Federal Claims  
in No. 1:19-cv-00095-PEC, Judge Patricia E. Campbell-  
Smith.

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**ON PETITION FOR PANEL REHEARING AND  
REHEARING EN BANC**

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Before MOORE, *Chief Judge*, NEWMAN, LOURIE, LINN<sup>1</sup>,  
DYK, PROST, REYNA, TARANTO, CHEN, HUGHES, STOLL,  
CUNNINGHAM, and STARK, *Circuit Judges*.

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<sup>1</sup> Circuit Judge Linn participated only in the deci-  
sion on the petition for panel rehearing.

PER CURIAM.

**O R D E R**

Appellees filed a combined petition for panel rehearing and rehearing en banc. A response to the petition was invited by the court and filed by the United States.

American Federation of Labor and Congress of Industrial Organizations (AFL-CIO) requested leave to file a brief as amicus curiae which the court granted.

Metropolitan Washington Employment Lawyers Association, National Employment Lawyers Association, National Employment Law Project, and The Impact Fund also requested leave to file a brief as amici curiae which the court granted.

The petition was referred to the panel that heard the appeal, and thereafter the petition for rehearing en banc was referred to the circuit judges who are in regular active service.

Upon consideration thereof,

IT IS ORDERED THAT:

The petition for panel rehearing is denied.

The petition for rehearing en banc is denied.

The mandate of the court will issue March 17, 2023.

FOR THE COURT

March 10, 2023

Date

/s/ Peter R. Marksteiner

Peter R. Marksteiner

Clerk of Court