

UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

Anderson v. BDO USA, P.C.

Anderson · No. Civil Action No. 24-2421 (JEB) · Decided June 9, 2026

SUMMARY

The United States District Court for the District of Columbia denies BDO USA, P.C.’s motion for summary judgment in Kevin Anderson’s age-discrimination action under the D.C. Human Rights Act. The court concludes that a reasonable jury could find the proposed compensation change materially adverse and could view BDO’s asserted productivity rationale as pretextual, based on the absence of documented utilization expectations and Anderson’s positive performance review. The court also finds sufficient circumstantial evidence of age-related animus to allow the claim to proceed.

CASE DETAILS

COURT	United States District Court for the District of Columbia
WRITING FOR THE COURT	James E. Boasberg
JURISDICTION	United States District Court for the District of Columbia
DECIDED	June 9, 2026
DOCKET	Civil Action No. 24-2421 (JEB)
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved for summary judgment after discovery in Plaintiff’s age-discrimination action under the D.C. Human Rights Act.
STANDARD OF REVIEW	Summary judgment is appropriate when the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law. The evidence is viewed in the light most favorable to the nonmovant, and the court may not make credibility determinations or weigh the evidence.
PRECEDENTIAL VALUE	Published district court memorandum opinion; persuasive authority within the District of Columbia but not binding on the D.C. Circuit or other courts.

TOPICS

- age discrimination
- employment discrimination
- summary judgment
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the proposed shift from salaried to hourly compensation and Anderson's resulting termination constituted an adverse employment action under the D.C. Human Rights Act.
2. Whether Anderson presented sufficient evidence for a reasonable jury to find that age discrimination was a substantial factor in BDO's compensation change and termination.
3. Whether Anderson's claim for punitive damages should be dismissed at the summary-judgment stage.

HOLDINGS

1. A proposed shift to hourly compensation, accompanied by a projected reduction of more than \$385,000 and a 20-hour weekly cap, could constitute a materially adverse change in employment conditions; the related termination was also an adverse employment action.
2. Anderson presented sufficient evidence for a reasonable jury to conclude that age discrimination substantially motivated BDO's compensation change and termination.
3. The court declined to dismiss Anderson's punitive-damages claim because punitive damages are available under the DCHRA subject to general punitive-damages principles, and BDO did not establish a basis for removing the issue from the jury.

KEY QUOTATIONS

“An employer cannot fire someone for wearing a hat to the office on Monday, institute a hat ban on Friday, and then say that was the basis of the Monday firing.” (14)

“Construing all the evidence in the light most favorable to Anderson, the Court cannot say as a matter of law that age did not play a substantial role in the events detailed in this case.” (17)

FACTUAL BACKGROUND

Kevin Anderson worked for BDO USA for nearly two decades and, after retiring from the partnership at age 65, continued as a salaried Managing Director earning \$525,000 annually. In 2023, BDO leaders discussed moving him to part-time hourly compensation, a change BDO projected would reduce his compensation by approximately \$385,000 and later capped his hours at 20 per week. Anderson refused the proposed change and was terminated in December 2023 at age 70. Evidence concerning younger leadership and replacement workers, retirement-related communications, performance expectations, and the lack of prior notice regarding utilization benchmarks created a factual dispute over whether age substantially motivated the adverse employment actions.

PROCEDURAL HISTORY

Anderson filed suit in the Superior Court of the District of Columbia alleging one count of age discrimination under the D.C. Human Rights Act. BDO removed the action to the United States District Court for the District of Columbia based on diversity jurisdiction. The court denied BDO's motion to dismiss, discovery was completed, and BDO moved for summary judgment; the court denied that motion.

DISPOSITION

other

CASES CITED

- Talavera v. Shah, 638 F.3d 303, 308 (D.C. Cir. 2011)
- Anderson v. Liberty Lobby, 477 U.S. 242, 247-48, 255 (1986)
- Holcomb v. Powell, 433 F.3d 889, 895-96 (D.C. Cir. 2006)
- Scott v. Harris, 550 U.S. 372, 380 (2007)
- Mastro v. PEPCO, 447 F.3d 843, 850 (D.C. Cir. 2006)
- Aka v. Washington Hosp. Ctr., 156 F.3d 1284, 1288-89 n.3, 1292 (D.C. Cir. 1998) (en banc)
- Czekalski v. Peters, 475 F.3d 360, 363, 365 (D.C. Cir. 2007)
- Celotex Corp. v. Catrett, 477 U.S. 317, 324 (1986)
- Laningham v. U.S. Navy, 813 F.2d 1236, 1242 (D.C. Cir. 1987)
- Kumar v. D.C. Water & Sewer Auth., 25 A.3d 9, 17 (D.C. 2011)
- Cain v. Reinoso, 43 A.3d 302, 306, 313 (D.C. 2012)
- Hamilton v. Howard Univ., 960 A.2d 308, 314 (D.C. 2008)
- Stoe v. Barr, 960 F.3d 627, 639 (D.C. Cir. 2020)
- Reeves v. Sanderson Plumbing Prods., Inc., 530 U.S. 133, 143, 147 (2000)
- Tex. Dep't of Cmty. Affs. v. Burdine, 450 U.S. 248, 253, 256 (1981)
- Brady v. Off. of Sergeant at Arms, 520 F.3d 490, 494, 496 n.4 (D.C. Cir. 2008)
- Baloch v. Kempthorne, 550 F.3d 1191, 1196-97 (D.C. Cir. 2008)
- Nurridin v. Bolden, 40 F. Supp. 3d 104, 119 (D.D.C. 2014)
- Webster v. U.S. Dep't of Energy, 443 F. Supp. 3d 67, 79 (D.D.C. 2020)
- Burlington Indus., Inc. v. Ellerth, 524 U.S. 742, 761 (1998)
- Forkio v. Powell, 306 F.3d 1127, 1131 (D.C. Cir. 2002)
- Cesarano v. Reed Smith LLP, 990 A.2d 455, 464 (D.C. 2010)
- Gross v. FBL Fin. Servs., Inc., 557 U.S. 167, 180 (2009)
- McFarland v. George Washington Univ., 935 A.2d 337, 352 (D.C. 2007)
- Scrivener v. Clark Coll., 181 Wash. 2d 439, 444 (Wash. 2014) (en banc)
- Washington Convention Ctr. Auth. v. Johnson, 953 A.2d 1064, 1068, 1074 (D.C. 2008)
- George v. Leavitt, 407 F.3d 405, 414 (D.C. Cir. 2005)
- Ajisefinni v. KPMG LLP, 17 F. Supp. 3d 28, 41 (D.D.C. 2014)
- Propp v. Counterpart Int'l, 39 A.3d 856, 872 (D.C. 2012)
- Martin v. Ross, 6 A.3d 860, 862 (D.C. 2010)
- O'Connor v. Consol. Coin Caterers Corp., 517 U.S. 308, 313 (1996)
- Dominguez-Cruz v. Suttle Caribe, Inc., 202 F.3d 424, 431 (1st Cir. 2000)

- Dunaway v. Int'l Bhd. of Teamsters, 310 F.3d 758, 767 (D.C. Cir. 2002)
- Hazen Paper Co. v. Biggins, 507 U.S. 604, 610-13 (1993)
- Robinson v. Red Coats, Inc., 31 F. Supp. 3d 201, 216 (D.D.C. 2014)
- Daniels v. Tapella, 571 F. Supp. 2d 137, 144 (D.D.C. 2008)
- Threadgill v. Spellings, 377 F. Supp. 2d 158, 164 (D.D.C. 2005)
- Johnson v. District of Columbia, 99 F. Supp. 3d 100, 108 (D.D.C. 2015)
- Perry v. Shinseki, 783 F. Supp. 2d 125, 129, 138 (D.D.C. 2011)
- Shipman v. Vilsack, 692 F. Supp. 2d 113, 118 & n.5 (D.D.C. 2010)
- Daka, Inc. v. Breiner, 711 A.2d 86, 98 (D.C. 1998)
- Arthur Young & Co. v. Sutherland, 631 A.2d 354, 372 (D.C. 1993)

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