



## THE CASE FOR INCLUSION

News and Legal Analysis on Issues Related to Diversity and Inclusion

### Social Security Administration To Extend Spousal Benefits to Same-Sex Couples Retroactively Following Obergefell

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After the [United States v. Windsor](#) decision, many people expected that the demise of DOMA meant that same-sex married couples would enjoy federal recognition and benefits that they were previously denied. While that was true in some respects, two major federal benefits remained out of reach for many couples.

Both the Social Security Administration and the Department of Veterans Affairs took the position that they were statutorily required to look to the law of an insured person's state of domicile, even if that individual and his or her spouse had been legally married elsewhere. The LGBTQ legal advocacy organization, Lambda Legal, filed suit last fall on behalf of two married couples seeking benefits from the Social Security Administration. You can read the complaints [HERE](#) and [HERE](#).

The Supreme Court's recent [Obergefell v. Hodges](#) decision essentially mooted the issue by legalizing same-sex marriage in all fifty states. You can read more about that [HERE](#).

On August 20, 2015, the SSA represented during a status conference in a Chicago federal court that it will apply the Supreme Court's ruling retroactively to previously filed claims that are still pending in the administrative process, or in litigation. The SSA has not yet revealed the details regarding when this policy change will be implemented. You can read more [HERE](#).

Although, perhaps, an unsurprising development in light of [Obergefell](#), the SSA's progress will surely have a huge impact on members of the LGBTQ community. Keep an eye out for the SSA's official announcement of the policy change – it has yet to be released.