

## United States (U.S.) Supreme Court Decision: Obergefell v. Hodges

On June 26, 2015, in the case of [Obergefell v. Hodges](#), the U.S. Supreme Court held that the Fourteenth Amendment of the U.S. Constitution requires all states:

- (1) License the marriage between two people of the same sex, and
- (2) Recognize the lawful marriage between two people of the same sex.

In [Benefits Administration Letter \(BAL\) 13-203](#), dated July 17, 2013, OPM extended Federal benefits to legally married same-sex spouses of Federal employees and annuitants. The eligibility guidelines are not affected by the Supreme Court decision.

In the interim period while States work to implement the Supreme Court's Obergefell decision, the same-sex spouse of a Federal employee or annuitant is eligible for Federal benefits as an eligible family member if the marriage is considered legally valid within the jurisdiction in which it occurred, regardless of whether the married couple lives in that jurisdiction.

Same-sex couples who are in a civil union or other forms of domestic partnership other than marriage are not considered legally married. Therefore, domestic partners of Federal employees or annuitants remain ineligible for most Federal benefits programs. There is no immediate change to the benefits OPM has extended, to the extent permissible under the law, to same-sex domestic partners.

For additional questions and concerns, contact the Benefits & Entitlements Branch at: [dodhra.mc-alex.dcpas.mbx.benefits-contacts@mail.mil](mailto:dodhra.mc-alex.dcpas.mbx.benefits-contacts@mail.mil)

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