

VAU.S. Department
of Veterans Affairs**News Release**Office of Public Affairs
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June 20, 2014**VA Provides Guidance to Same-Sex Married Couples Seeking Benefits**

WASHINGTON -- After close consultation with the Department of Justice (DOJ), the Department of Veterans Affairs (VA) is providing guidance to same-sex married couples on the benefits and services to which they are entitled under current laws and regulations.

"VA worked closely with DOJ to develop guidance to process cases involving same-sex marriages and to implement necessary changes swiftly and smoothly in order to deliver the best services to all eligible Veterans," said Acting Secretary of Veterans Affairs Sloan D. Gibson.

The U.S. Supreme Court overturned section 3 of the Defense of Marriage Act (DOMA), which governed the definitions of "marriage" and "spouse" for all federal agencies. However, there remain certain provisions of federal law governing Veterans' benefits and services that, like DOMA, define a spouse as a member of the opposite sex. In September 2013, the U.S. Attorney General announced President Obama's directive to cease enforcement of those VA-specific definitional provisions.

However, another provision of the law governing VA – 38 U.S.C. § 103(c) – requires the Department to look to the place of residency rather than the place of celebration to determine whether a Veteran's marriage is recognized for the purposes of VA benefits. This statutory requirement to look at the laws governing marriage in the place where the Veteran or Veteran's spouse resided at the time of the marriage or at the time they filed their claim or application precludes VA from recognizing certain same-sex marriages, such as when a couple has never lived in a state that recognizes same-sex marriages. VA has worked with DOJ to develop guidance to process claims and applications for same-sex married couples while still following the statutory requirement to look to the place of residency.

VA is committed to treating all Veterans and their spouses as equally as possible under the law. Since the *Windsor* decision, VA has worked with DOJ to develop guidance to process claims and applications for same-sex married couples while still following the statutory requirement to look to the place of residency. Importantly, the administrations within VA will aim to apply the same level of scrutiny to all Veterans' marriages, regardless of whether it is a same-sex or opposite-sex marriage. VA will therefore

process claims and applications involving same-sex marriage in the same manner that VA processes claims based on opposite-sex marriage without any additional scrutiny or development. This means generally that VA will accept a claimant or applicant's assertion that he or she is married as sufficient evidence to establish a Veteran's marriage for the purpose of VA benefits. VA has made efforts to ensure that claimants will not be negatively impacted as a result of the time that has passed while developing this guidance.

VA is now processing all claims and applications involving same-sex marriages that were previously being held by the program offices. VA launched a new website and is continuing to update forms to inform Veterans and beneficiaries of the recent changes in the law and procedures. The new website provides important information to help Veterans and beneficiaries understand the eligibility requirements under federal law and VA regulations, and answers frequently asked questions.

"Our commitment to provide all eligible Veterans and their families with their earned care and benefits will continue to be our focus as VA begins recognizing same-sex marriages to the extent the law will allow." Gibson said. "We will work with lawmakers to address the changes that are necessary to allow all veterans and their families to access the benefits they have earned and deserve."

Veterans can learn more about VA's guidance regarding same-sex marriages at <http://www.va.gov/opa/marriage/> or by reaching out to one of our Call Centers at 1-800-827-1000.