

## **Veterans in same-sex marriages eligible for VA benefits**

It used to be a longstanding regulation in the Veterans Administration codes that marriage was only between a man and a woman. Any other form of marriage was not recognized as valid for determining benefits. The VA would not compensate same-sex couples as they would heterosexual partners.

This all changed when the U.S. Supreme Court made their landmark decision several months ago that struck down a federal law that denied federal benefits to legally married gay and lesbian couples.

Two months after this Supreme Court decision, Attorney General Eric Holder said in a letter to members of Congress that the administration will allow same-sex spouses of veterans to receive the same federal benefits available to heterosexual married couples, including health care and survivor benefits.

The announcement was the latest action by the Obama administration to recognize same-sex marriages following the Supreme Court decision in June to invalidate the 1996 Defense of Marriage Act, known as DOMA. The Treasury Department said recently that the Internal Revenue Service would recognize legally married same-sex couples for federal tax purposes.

What this means for veterans who are married to a same-sex partner is that they should file a claim now with the VA to be compensated for their married partner and any dependent children or step children who are a part of that relationship.

As with most VA regulation changes, this will take time and the VA will need to determine an effective date. At this time, it is unknown when that effective date will be.

It is important for veterans to file a claim now and ensure that when the regulations do finally change that their applications are already in the process. This establishes the all-important date of filing. Right now claims to include dependents in the calculation of compensation payments are taking about six to eight months. When processed, the VA usually awards benefits retroactive to the date of filing.

Some of the benefits that could apply to same-sex marriage partners include:

- Chapter 35 educational benefits for spouses and children, step children and adopted children of 100% disabled veterans.
- College fee waivers for dependent children of disabled veterans.
- CHAMPVA medical benefits for the dependents of 100% disabled veterans provides this coverage to the families.
- Burial benefits for dependents of veterans.

The actual awarding of these claims and benefits will be after the actual regulations are changed and put into writing with effective dates.

Our office suggests that if a claim involves payments such as dependent compensation that veterans come in and provide the marriage documentation and file the claim. Veterans must be legally married in a state that recognizes same-sex marriage. Veterans may also file a claim online by going to VA.gov and using their online service.

Our office stands ready to help all veterans and their families with any Veterans Administration benefits.

*Ted Puntillo is director of Veteran Services for Solano County. Reach him at 784-6590 or [TEPuntillo@SolanoCounty.com](mailto:TEPuntillo@SolanoCounty.com). The Solano County Veteran Services Office, 675 Texas St. in Fairfield, is open from 9 a.m. to noon and 1 to 4 p.m. Monday through Friday.*