



## GN 00210.100 Same-Sex Marriage -Benefits for Aged Spouses

### Example of Approvals

#### *Same-Sex Marriage - Benefits for Aged Spouses*

- Liz (the claimant) and Allison (the number holder) marry in Massachusetts (MA) after MA recognizes same-sex marriage. They are domiciled in MA. Liz files for wife's benefits on Allison's record while they are domiciled in MA. They meet all other factors of entitlement. Approve the claim.
- Liz (the claimant) and Allison (the number holder) marry in MA after MA recognizes same-sex marriage. Liz moves and becomes domiciled in California (CA), which recognizes same-sex marriage. Allison remains domiciled in MA. Liz files for wife's benefits on Allison's record. They meet all other factors of entitlement. Approve the claim.
- Liz (the claimant) and Allison (the number holder) marry in MA after MA recognizes same-sex marriage. Liz and Allison move and become domiciled in CA, which recognizes same-sex marriage. Liz files for wife's benefits on Allison's record. They meet all other factors of entitlement. Approve the claim.
- Liz (the claimant) and Allison (the number holder) marry in MA after MA recognizes same-sex marriage. Liz moves and becomes domiciled in Texas (TX), which does not currently recognize same-sex marriage. Allison remains domiciled in MA. Liz files for wife's benefits on Allison's record. They meet all other factors of entitlement. Approve the claim.
- Liz (the claimant) and Allison (the number holder) are domiciled and marry in MA after MA recognizes same-sex marriage. Liz files for wife's benefits on Allison's record while domiciled in MA. While the application is pending, Liz and Allison move to and become domiciled in TX, which does not currently recognize same-sex marriage. They meet all other factors of entitlement. Approve the claim because when the claim was filed, Liz and Allison were domiciled in a state that recognizes same-sex marriage. Use the date of filing in MA to determine month of entitlement.

- Liz (the claimant) and Allison (the number holder) are domiciled in TX and marry while on vacation in MA after MA recognizes same-sex marriage. Liz files for wife's benefits on Allison's record while domiciled in TX, which does not currently recognize same-sex marriage. While the application is pending, Liz and Allison move to and become domiciled in MA. They meet all other factors of entitlement. Approve the claim because while the claim was pending a final determination Liz and Allison became domiciled in a state that recognizes same-sex marriage. Use the date of filing in TX to determine month of entitlement.

### **Example of Holds**

#### *Same-Sex Marriage - Benefits for Aged Spouses*

- Bill (the claimant) and Bob (the number holder) marry in MA after MA recognizes same-sex marriage. They were domiciled in MA. They move to and become domiciled in TX, which does not currently recognize same-sex marriage. Bill files for husband's benefits on Bob's record while they are domiciled in TX. They meet all other factors of entitlement. Hold the claim.
- Bill (the claimant) and Bob (the number holder) marry in MA after MA recognizes same-sex marriage. They were domiciled in MA. Bob then moves and becomes domiciled in TX (which does not currently recognize same sex marriage) while Bill remains domiciled in MA. Bill files for husband's benefits on Bob's record. They meet all other factors of entitlement. Hold the claim.
- Bill (the claimant) and Bob (the number holder) marry in MA after MA recognizes same-sex marriage, but are domiciled TX, which currently does not recognize same-sex marriage. Bill files for husband's benefits on Bob's record. They meet all other factors of entitlement. Hold the claim.

\***Domicile** is the place where a person has his/her true, fixed, and permanent home to which he/she intends to return whenever away. Every person has a domicile and can only have one at a time.