

Instruction

Identification Number	EM-14049	Effective Date: 10/09/2014
Intended Audience:	All RCs/ARCs/ADs/FOs/TSCs/PSCs/OCO/OCO-CSTs/ODAR	
Originating Office:	ORDP OISP	
Title:	Changes to claims policy involving same-sex marriage in several states — One-Time-Only Instruction	
Type:	EM - Emergency Messages	
Program:	All Programs	
Link To Reference:	See References at the end of this EM.	

Retention Date October 25, 2015

A. Purpose

We are working with the Department of Justice (DOJ) to determine how recent developments in the courts affect our programs. In the meantime, this emergency message (EM) provides instructions for holding claims and appeals involving same-sex marriages performed in the States listed below; or which involve applicants or recipients domiciled in these States while the application was pending; or where the applicant/recipient made or had his or her permanent homes in these States at any time while eligible.

- • Alaska,
- • Arizona,
- • Idaho,
- • Kansas,
- • Montana,
- • Nevada,
- • North Carolina,
- • South Carolina,
- • West Virginia, and
- • Wyoming.

B. Instructions for holding claims and appeals that involve same-sex marriage in the listed states.

Hold all claims and appeals for which entitlement or eligibility depend on a same-sex marriage celebrated in the states listed in Part A, using

instructions in GN 00210.005.

Hold all Title II and Medicare claims and appeals for which entitlement depends on recognition of the NH's same-sex marriage and the NH is domiciled in any of the above listed states (or any of the states listed in [GN 00210.003](#)), at the time of application, while the claim is pending a final determination, or at the time of the NH's death, using instructions in GN 00210.005.

Hold all Title XVI claims and appeals for which eligibility or payment amount depends on the applicant's or recipient's same-sex marriage and the applicant or recipient makes his or her permanent home in any of the above listed states (or any of the states listed in [GN 00210.003](#)), using instructions in GN 00210.005.

Direct all program-related and technical questions to your RO support staff or PSC OA staff. RO support staff or PSC OA staff may refer questions or problems to their Central Office contacts. RO or PSC staff may direct questions to the ^Windsor Policy Questions mailbox.

References:

GN 00210.000 Windsor Same-Sex Marriage Claims – Subchapter Table of Contents

[GN 00210.002](#) Same-Sex Marriage – Determining Marital Status for Title II and Medicare Benefits

[GN 00210.003](#) Same-Sex Marriage – Dates States Permitted or Recognized Same-Sex Marriage

[GN 00210.005](#) Same-Sex Marriage or Non-marital Legal Relationship-Holding Certain Claims, Appeals, Post-Eligibility Actions, and Post-Entitlement Actions

[GN 00210.800](#) Same-Sex Marriage, SSI Same-Sex Couples, and SSI Deeming from a Same-Sex Ineligible Spouse