

# ABOUT MILITARY SPOUSE & FAMILY BENEFITS

## SERVICEMEMBERS LEGAL DEFENSE NETWORK

### BENEFITS AVAILABLE NOW

- Service members may designate beneficiaries— which may include a same-sex spouse or partner, or a dependent—for certain benefits. Some of these benefits are: Service Member’s Group Life Insurance (SGLI) Beneficiary, Post Vietnam-Era Veterans Assistance Program (VEAP) Beneficiary, G.I. Bill Death Beneficiary, Death Gratuity Beneficiary, Final Settlement of Accounts Beneficiary, Wounded Warrior Act Designated Caregiver, Thrift Savings Plan (TSP) Beneficiary, Survivor Benefit Plan Beneficiary.

### DEFENSE OF MARRIAGE ACT (DOMA)

- The Defense of Marriage Act (DOMA) provides that “the word ‘marriage’ means only a legal union between one man and woman as husband and wife, and the word ‘spouse’ refers only to a person of the opposite sex who is a husband or a wife.”
- DoD does not have the statutory authority to extend benefits to same-sex partners of service members where Congress has explicitly defined “dependent” and limited eligibility to a member’s spouse (though it still may be able to provide benefits to children in those relationships).
- Even same-sex spouses who are legally married in states where same-sex marriage is permitted or recognized are denied parity under this law.
- In 2004, the Government Accountability Office (GAO) identified more than 1100 benefits that DOMA prevents same-sex partners from receiving. Only Congress can provide complete parity.
- An extensive (though not exhaustive) list of benefit provisions affected by DOMA may be found at [www.sldn.org](http://www.sldn.org). These include TriCare and dependent rate housing for military families and spouses.

### STATUTORY BARRIERS TO BENEFITS PARITY

- Even if DOMA were repealed by Congress, barriers to parity for same-sex spouses and families would still exist due to statutory limitations.
- Titles 10, 32, and 38 of U.S. Code may be interpreted to prevent the military from providing the same benefits to married gay and lesbian service members and veterans as are provided to their straight married counterparts.
- SLDN is working with Congress to change these statutes and ensure the same recognition, support, and benefits for all military spouses and families.

### FOR MORE INFORMATION

- Service members, veterans, spouses, or family members can contact SLDN for more information. SLDN’s main line is (202) 328-3244 and email is [sldn@sldn.org](mailto:sldn@sldn.org); the legal hotline is (202) 328-3244 x100 or [legal@sldn.org](mailto:legal@sldn.org).
- *Freedom to Serve: The Definitive Guide to LGBT Military Service* is produced by SLDN and is available for download at [www.sldn.org](http://www.sldn.org)



**SLDN**  
[www.sldn.org](http://www.sldn.org)

#### ABOUT SERVICEMEMBERS LEGAL DEFENSE NETWORK

*Servicemembers Legal Defense Network (SLDN) is a non-partisan, non-profit, legal services, watchdog and policy organization dedicated to bringing about full LGBT equality to America’s military and ending all forms of discrimination and harassment of military personnel on the basis of sexual orientation and gender identity. SLDN provides free and direct legal assistance to service members and veterans affected by the repealed “Don’t Ask, Don’t Tell” law and the prior regulatory ban on open service, as well as those currently serving who may experience harassment or discrimination. Since 1993, our in-house legal team has responded to more than 11,500 requests for assistance.*

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