FOR IMMEDIATE RELEASE
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VA closes gap in benefits for LGBTQ+ Veterans and their survivors

WASHINGTON — Today, the Department of Veterans Affairs announced that it is closing a gap in survivor benefits for certain survivors of LGBTQ+ Veterans — specifically, for those who were unable to wed until the 2015 Obergefell v. Hodges Supreme Court decision, and who, therefore, were not married to their now-deceased Veteran spouses for long enough to qualify for survivor benefits.

This extension of survivor benefits is effective immediately. Eligible survivors can apply for these benefits here, and more information about this announcement can be found here.

“VA is closing a gap in benefits for surviving spouses of LGBTQ+ Veterans, righting a wrong that is a legacy of the discriminatory federal ban on same-sex marriages,” said VA Secretary Denis McDonough. “It is VA’s mission to serve all Veterans – including LGBTQ+ Veterans – as well as they’ve served our country, and this decision is a key part of that effort.”

Due to bans on same-sex marriages, many LGBTQ+ Veterans were unable to get married until Obergefell v. Hodges (6/26/2015) despite being in “marriage-type” relationships long before that. This wrongly precluded many survivors of those LGBTQ+ Veterans from becoming eligible for survivor benefits because their Veteran spouse died before the marriage met VA’s length-of-marriage requirements (one-year for survivor benefits, eight-years for a higher rate of benefits). This decision addresses that problem by counting the duration of marriage from when the surviving spouse can establish a “marriage-type” relationship — such as a commitment ceremony, joint banking account, or joint purchase of a house. Importantly, these benefits are not retroactive.

VA is committed to delivering world-class care and benefits to LGBTQ+ Veterans. As a part of this effort, last year, VA began providing benefits to Veterans who were given “Other Than Honorable” discharges due to their sexual orientation.

LGBTQ+ Veterans can learn more about VA’s current health offerings on the LGBTQ+ Health Program website.

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