



DEPARTMENT OF DEFENSE  
DEFENSE CIVILIAN PERSONNEL ADVISORY SERVICE  
4800 Mark Center Drive  
ALEXANDRIA, VA 22350-1100

JUL 18 2013

MEMORANDUM FOR DISTRIBUTION LIST

Subject: Federal Benefits for Same-Sex Spouses

As you are already aware, on June 26, 2013, the United States Supreme Court ruled that Section 3 of the Defense of Marriage Act (DOMA) was unconstitutional. The decision is expected to impact numerous civilian employee benefits. For this reason, we ask your assistance in informing employees of the decision's impact as that information becomes available.

On June 28, 2013, the Office of Personnel Management (OPM) provided guidance to Federal agencies concerning the extension of specific benefits to employees and annuitants who have legally married a spouse of the same sex (Attachment 1). The programs affected by the Court's ruling that are addressed by OPM's June 28, 2013, memo are: the Federal Employees Health Benefits Program; Federal Employees Group Life Insurance Program; Federal Flexible Spending Account Program; Federal Employees Dental and Vision Insurance Program; Federal Long Term Care Insurance Program; and survivor entitlements under both the Civil Service Retirement System and the Federal Employees Retirement System.

The information for which Department of Defense employees should be quickly made aware is the 60-day timeframe for making benefits changes necessary for immediate coverage of same-sex spouses. This timeframe began June 26, 2013, and ends on August 26, 2013. For additional information on the types of changes and coverage permitted, please see the enclosed employee handout, *Federal Benefits for Same-Sex Spouses* (Attachment 2). OPM will be issuing additional guidance covering a broader range of topics, as this issue continues to evolve.

For additional questions and guidance, employees are encouraged to contact their servicing Human Resources Office for assistance.

A handwritten signature in black ink that reads "Pamela S. Mitchell".

Pamela S. Mitchell  
Director, Human Resources Operational  
Programs and Advisory Services

Attachments:  
As stated

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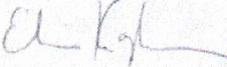
The Director

UNITED STATES OFFICE OF PERSONNEL MANAGEMENT

Washington, DC 20415

JUN 28 2013

MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM: ELAINE KAPLAN  
ACTING DIRECTOR 

SUBJECT: Guidance on the Extension of Benefits to Married Gay and Lesbian Federal Employees, Annuitants, and Their Families

As you already know, on June 26, 2013, the Supreme Court ruled that Section 3 of the Defense of Marriage Act (DOMA) is unconstitutional. As a result of this decision, the United States Office of Personnel Management (OPM) will now be able to extend benefits to Federal employees and annuitants who have legally married a spouse of the same sex.

There are numerous benefits that are affected by the Supreme Court's decision, and it is impossible to answer today every question that you may have. Nevertheless, I want to assure you that the U.S. Office of Personnel Management is committed to working with the Department of Justice to ensure swift and seamless implementation of the Court's ruling.

OPM will be issuing additional information covering a broader range of issues, but at this time, OPM can offer the following guidance regarding specific employee benefits that may be of particular interest:

**Health Insurance (FEHB):** All legally married same-sex spouses will now be eligible family members under a Self and Family enrollment. In addition, the children of same-sex marriages will be treated just as those of opposite-sex marriages and will be eligible family members according to the same eligibility guidelines. This includes coverage for children of same-sex spouses as stepchildren. Employees and annuitants will have 60 days from June 26, 2013 until August 26, 2013, to make immediate changes to their FEHB enrollment. Enrollees will continue to be eligible to make changes to their coverage options during Open Season later this year. For those employees and annuitants who already have a Self and Family insurance plan, coverage for their same-sex spouse will begin immediately upon their notifying their FEHB carrier that there is a newly eligible family member. For those employees and annuitants electing Self and Family for the first time, benefits will be effective on the first day of the first pay period after the enrollment request is received. While online enrollment systems are updated, it may be necessary for employees and annuitants to update their elections using the paper (rather than electronic) version of the SF2809 form.

**Life Insurance (FEGLI):** All legally married same-sex spouses and children of legal same-sex marriages are now eligible family members under the FEGLI Program, which means that employees may add coverage for a same-sex spouse and any newly eligible children under Option C. Employees will have 60 days from June 26, 2013 until August 26, 2013, to make changes to their FEGLI enrollment.

**Dental and Vision Insurance (FEDVIP):** As with FEHB, all legally married same-sex spouses will now be eligible family members under a Self and Family enrollment or a Self Plus One enrollment. Current FEDVIP enrollees may now call BENEFEDS (877-888-FEDS (3337)) directly to make the necessary enrollment changes. Employees will have 60 days from June 26, 2013 until August 26, 2013, to make changes to their FEDVIP enrollment. Current enrollees will also be able to make changes to their coverage options during Open Season later this year, and individuals wishing to enroll in FEDVIP for the first time may also do so at that time.

**Long-Term Care Insurance (FLTCIP):** All legally married same-sex spouses can now apply for long-term care insurance under FLTCIP. Same-sex spouses of employees will have 60 days from June 26, 2013, to apply for FLTCIP coverage with abbreviated underwriting.

**Retirement:** All retirees who are in legal same-sex marriages will have two years from the date of the Supreme Court's decision (i.e., June 26, 2015) to inform OPM that they have a legal marriage that now qualifies for recognition and elect any changes to their retirement benefits based on their recognized marital status. In the coming days, OPM will be developing guidance to help retirees determine whether they wish to change their pension benefits in a way that will provide benefits for their surviving spouse. Retirees will need to determine whether this option makes sense for them, as making this election will likely result in a deduction to the monthly annuity that the retiree currently receives. Going forward, the same-sex spouses of retiring employees will be eligible for survivor annuities.

**Flexible Spending Accounts (FSA):** All employees who are in legal same-sex marriages will now be able to submit claims for medical expenses for their same-sex spouse and any newly qualifying (step)children to their flexible spending program.

Additional guidance regarding these and other benefits will be coming soon. In the meantime, questions regarding the effect of the Supreme Court's DOMA decision on Federal employee and annuitant benefits should be directed to OPM through your agency Chief Human Capital Officer.

We appreciate your cooperation in our effort to implement the Supreme Court's decision, and provide greater equality to Federal employees and annuitants regardless of their sexual orientation.

cc: Chief Human Capital Officers

## **DOD Employee Handout**

### **Federal Benefits for Same-Sex Spouses**

#### **PURPOSE:**

This handout is intended to provide Department of Defense employees with information concerning the extension of Federal health and life insurance and retirement benefits for same-sex spouses of Federal employees.

#### **BACKGROUND:**

On June 26, 2013, the United States Supreme Court issued a ruling that Section 3 of the Defense of Marriage Act (DOMA) is unconstitutional. The DOMA provisions had the effect of limiting the Federal benefits for which same-sex spouses were eligible.

The Court's ruling affects a number of Federal benefits available to DOD employees. The Office of Personnel Management (OPM) is continuing to analyze any potential administrative matters but has instructed Agency Human Resources Offices to accept and process benefit elections and changes for same sex spouses and their children. The information below is intended to inform DOD employees of potential election opportunities. The following changes have been implemented in the following programs.

#### **BENEFIT PROGRAMS CHANGES:**

##### **Federal Employees Health Benefits Program (FEHB)**

All legally married same-sex spouses now qualify as "eligible family members" under the FEHB Self and Family enrollment category. In addition, the children of same-sex marriages will now be viewed in the same manner as those of opposite-sex marriages, and will be afforded the same eligibility guidelines. Employees will have **60 days from June 26, 2013, until August 26, 2013**, to elect or make immediate changes to their FEHB enrollment. Current enrollees will continue to be eligible to make changes during Open Season later this year.

For those employees who are already covered by the Self and Family option, coverage for their same-sex spouse will begin immediately upon notification of their FEHB carrier that there is a newly eligible family member. For those employees electing Self and Family coverage for the first time, benefits will be effective on the first day of the first pay period after the enrollment request is received.

Please be advised that while online enrollment systems are updated, it may be necessary to process elections using the paper (rather than electronic) versions of the SF 2809 form. When using the paper document, use "Event Code" 1C block D.1.

In order to compare health insurance plans, employees are encouraged to utilize the plan comparison tool at: <http://www.opm.gov/insure/health/search/plansearch.aspx>. Rates for individual plans can also be viewed at: [www.opm.gov/insure/health/rates](http://www.opm.gov/insure/health/rates).

### **Federal Employees Group Life Insurance (FEGLI)**

All legally married same-sex spouses and children of legal same-sex marriages are now “eligible family members” under the FEGLI Program. Employees may add additional coverage for a same-sex spouse (Option B) and any newly eligible children (Option C). The life event code for adding either spouse or child(ren) of same sex marriage is 2. Employees will have **60 days from June 26, 2013, until August 26, 2013**, to make changes to their FEGLI enrollment. Coverage changes can be performed either through online enrollment systems, or by utilizing the SF 2817 form.

Employees that have waived Basic and/or Optional FEGLI coverage may cancel their waiver based on a change of family circumstances. Employees with no coverage may enroll in Basic and any Optional insurance up to the maximum. Additional information on the FEGLI program can be found at OPM’s website: <http://www.opm.gov/healthcare-insurance/life-insurance/>.

### **Federal Employees Dental and Vision Program (FEDVIP)**

As with the FEHB program, all legally married same-sex spouses and children of same-sex spouses will now be “eligible family members” under a Self and Family enrollment or a Self Plus One enrollment. Current FEDVIP enrollees can call BENEFEDS (877-888-FEDS (3337) directly to make the necessary enrollment changes. Employees will have **60 days from June 26, 2013, until August 26, 2013**, to make changes.

Employees who are not enrolled in FEDVIP will not be allowed to enroll until the annual Open Season. The comparison tool used for FEDVIP plans can be found at the following location: <http://www.opm.gov/insure/dental/search/fedvipsearch.aspx>. You can also find 2013 Dental rates at: [www.opm.gov/insure/dental/rates](http://www.opm.gov/insure/dental/rates) and Vision rates at: [www.opm.gov/insure/vision/rates](http://www.opm.gov/insure/vision/rates).

### **Federal Flexible Spending Accounts (FSAFEDS)**

All employees who are in legal same-sex marriages will now be able to submit claims for medical expenses for their same-sex spouse and any newly qualifying (step) children added to their flexible spending program. Federal employees will also be able to enroll and/or elect new coverage amounts between June 26, 2013, and August 26, 2013.

Due to existing tax laws, the enrollment procedure for FSAFEDS is handled differently than other Federal benefits. Therefore, new enrollments and increased elections for same-sex spouses will not be accepted for any reason after September 30, 2013. Information on the FSAFEDS program can be found on the FSAFEDS website: <https://www.fsafeds.com/fsafeds/index.asp>.

### **Civil Service Retirement System /Federal Employees Retirement System**

All retirees who are in legal same-sex marriages will have **two years** from the date of the Supreme Court's decision (June 26, 2013) to inform OPM that they have a legal marriage that now qualifies for recognition and elect any changes to their retirement benefits based on their

recognized marital status. In the coming days, OPM will be developing guidance to help retirees determine whether they wish to change their pension benefits in a way that will provide benefits for their surviving spouse. Retirees will need to determine whether this option makes sense for them, as making this election will likely result in a deduction to the monthly annuity that the retiree currently receives. Going forward, the same-sex spouses of retiring employees will be eligible for survivor annuities.

### **Long-Term Care Insurance Program (FLTCIP)**

All legally married same-sex spouses may apply for long-term care insurance under FLTCIP. Same-sex spouses of employees will have 60 days from June 26, 2013, to apply for FLTCIP coverage, using the abbreviated underwriting process. Additional information on the Long Term Care Insurance Program can be found at <http://www.ltcfeds.com/>.

### **KEY POINTS TO REMEMBER:**

1. For most programs, enrollment changes to same-sex spouse benefits may be made between June 26, 2013, and August 26, 2013.
2. All enrollment changes will be effective on or after June 26, 2013.
3. You may be required to submit paper elections of FEHB enrollments until electronic systems have been modified.
4. OPM is still working to fully implement the Supreme Court's ruling.

Additional guidance will be provided as it becomes available. Questions regarding the Supreme Court's DOMA decision should be directed to your agency Benefits Office.