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GLAD Obtains Social Security Survivor Benefits for Disabled RI Widow

GLAD successfully obtained Social Security Widow's Benefits for 56-year-old Deborah Tevyaw after a three-year-long battle with the Social Security Administration (SSA) following the death of Deb's wife Patricia Baker who passed in 2011. Over \$30,000 in back benefits were paid to Deb on Monday, December 1, 2014 by SSA.

Deb was married in Massachusetts in 2005 to Pat, a career Rhode Island corrections officer. Pat was diagnosed with stage 4 lung cancer and died in August 2011. Her final months were spent lobbying for marriage equality in Rhode Island, and trying to ensure Deb's financial security. But SSA repeatedly denied survivor benefits to Deb, claiming that Rhode Island would not have recognized Pat and Deb's marriage at the time of Pat's death. Deb, as a result, has been living on virtually no income for more than three years.

"Nothing can bring back my wife and my best friend, but at least now Pat can rest in peace and I will be protected by the same safety net that is there for all other widows and widowers," said Deb.

The SSA, unlike most other federal agencies, has adopted a requirement that the marriages of same-sex couples must be recognized by the state where they live in order to be eligible for Social Security benefits.

"We are thrilled that the SSA has finally recognized that Rhode Island would have recognized Pat and Deb, and other married couples, as validly married at the time of Pat's death in 2011," said Mary L. Bonauto, GLAD Civil Rights Project Director. "At the same time, while Deb's long battle is finally coming to an end, the SSA has no business assessing whether a couple's state of residence would recognize their clearly valid marriage."

Despite Deb's valid marriage to Pat, Social Security initially refused in 2012 to provide Deb disabled widow's benefits and a lump sum death payment, citing the Defense of Marriage Act (DOMA). While Deb appealed this denial, she was living on a disability income of only \$723 a month. She was forced to sell her home of 38 years, leaving her destitute and dependent on friends and family.

After DOMA was struck down by the U.S. Supreme Court in June 2013, SSA continued to deny Deb's appeal, claiming that the state of Rhode Island would not have recognized Deb and Pat's marriage at the time of Pat's death. GLAD has continually attempted to demonstrate to the SSA that Rhode Island would actually recognize the marriages of all same-sex couples regardless of when or where they were validly married.

GLAD represented Deb in her appeal to the SSA and also brought a lawsuit on her behalf against the SSA in federal district court in Rhode Island on September 29 of this year.

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