

T.J. HALES AUTHORS DAYL ARTICLE ON SOCIAL SECURITY BENEFITS FOR SAME-SEX SPOUSES

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Associate Troy (“T.J.”) Hales authored the Dallas Association of Young Lawyers (DAYL) article “Social Security Benefits for Surviving Same-Sex Spouses Five Years After *Obergefell*.” Hales notes that June 2020 marks the fifth-year anniversary of the U.S. Supreme Court decision in *Obergefell v. Hodges* invalidating prohibitions on same-sex marriage nationwide. He adds that, while LGBTQ+ persons in the United States generally can claim more protections and civil liberties than those who live in other regions of the world, until May 27 they had restricted access to a resource many take for granted: social security benefits. Hales writes:

United States Magistrate Judge Bruce M. Macdonald determined in Ely v. Saul that this last bit must change. Presiding over the appeal from the Social Security Administration’s decision denying Michael Ely what are called in federal law “widow’s and widower’s insurance benefits”—also called “survivor’s benefits”—and in consideration of a motion for class certification, Judge Macdonald concluded the Social Security Administration had impermissibly relied on unconstitutional state laws in denying benefits to Ely and numerous other LGBTQ+ individuals who were married or who could have been married only after the Supreme Court’s decision in Obergefell....[To date], the Social Security Administration has not indicated whether the United States will appeal Judge Macdonald’s decision, and it has referred journalists to the Department of Justice for comment.

On the significance of this development, Hales comments:

This victory considered, LGBTQ+ individuals still face myriad challenges under current state and federal laws, such as securing entitlement to state-provided marriage benefits, obtaining current and accurate birth records, and receiving equal treatment in immigration matters. As the Ely case demonstrates, however, attorneys can leverage their skills and access to the court system and the means of legislation to



help diminish these challenges. Especially in the age of COVID-19 and other important matters of civil concern, every little bit helps.

To read the full article, please click [here](#).

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Troy "T.J." Hales