PERSONNEL AND
READINESS

UNDER SECRETARY OF DEFENSE
4000 DEFENSE PENTAGON
WASHINGTON, D.C. 20301-4000

AUG 13 2013

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
CHIEFS OF THE MILITARY SERVICES

SUBJECT: Further Guidance on Extending Benefits to Same-Sex Spouses of Military Members

REFERENCE: (a) Department of Defense Instruction 1327.06, "Leave and Liberty Policy and Procedures," June 16, 2009

As Secretary Chuck Hagel has stated, now that the Supreme Court has held section 3 of the Defense of Marriage Act (DOMA) unconstitutional, it is the Department's policy to treat all married military personnel equally. The Department will work to make the same benefits available to all spouses, regardless of whether they are in same-sex or opposite-sex marriages, and will recognize all marriages that are valid in the place of celebration.

Extension of benefits to same-sex spouses will require some policy revisions, and in the case of identification cards, technical upgrades as the Defense Enrollment Eligibility Reporting System currently does not authorize the issuance of an identification card to a spouse of the same gender. Per the Secretary's memorandum of this date, attached, the Department and the Military Services will take all actions necessary to extend spousal benefits to same-sex spouses no later than September 3, 2013.

Entitlements are retroactive to the date of the Supreme Court's decision, June 26, 2013. Any claims to entitlements before that date will not be granted.

Further, effective immediately, in recognition of the fact that many states do not recognize same-sex marriage, this memorandum supplements the policy language in reference Department of Defense Instruction 1327.06 "Leave and Liberty Policy and Procedures" to authorize non-chargeable marriage leave where a Service member is a part of a same-sex couple and is assigned to a duty station located more than 100 miles from a U.S. state (or the District of Columbia) that allows same-sex couples to get married. We will continue to monitor actions by states to recognize same-sex marriage and revise this policy if necessary. The following paragraph is added at Enclosure 2, paragraph 1(k), Non-Chargeable Leave, as follows:

> (9) Marriage Leave for Same-sex Couples – The Secretary concerned may grant non-chargeable leave to Service members who are in same-sex relationships and are assigned to duty stations located more than 100 miles from a U.S. state (or the District of Columbia) that allows same-sex couples to marry, for travel to a state or jurisdiction that allows same-sex couples to be married. When two Service members who are a same-sex couple desire to be married, both members may be granted marriage leave for same-sex couples if qualified.

Eligible Service members assigned within the Continental United States (CONUS) may be granted non-chargeable leave for a period of up to 7 days. Eligible Service members assigned outside CONUS may be granted non-chargeable leave for a period of up to 10 days. When both members of a same-sex couple are Service members, each member may be granted the applicable number of days based on his or her individual assignment location.

Extensions of this non-chargeable leave period for the convenience of the Service member(s) will be charged to the member's leave account. Marriage leave may be granted only once during the career of a Service member.

The Joint Benefits Review Working Group will focus its efforts on extension of spousal benefits to same-sex spouses and identify any impediments towards full implementation consistent with current law. I ask for your help in resolving immediately any impediments that may be identified.

Jessica L. Wright
Acting

Attachments:
As stated

cc:
Secretary of Homeland Security
Secretary of Health and Human Services
Secretary of Commerce
Chairman of the Joint Chiefs of Staff
Commandant of the Coast Guard
General Counsel of the Department of Defense
Assistant Secretary of Defense for Legislative Affairs
Assistant to the Secretary of Defense for Public Affairs
Assistant Secretaries of the Military Departments for Manpower and Reserve Affairs