

# Text Only Version

## Introduction: Welcome

Welcome to "Extending Benefits to Same-Sex Domestic Partners of Military Members."

This training will provide details of the new Department of Defense policy for providing benefits to same-sex domestic partners.

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## Introduction: Message from Secretary of Defense

Secretary of Defense Leon Panetta issued a memorandum extending benefits to same-sex domestic partners of military members.

"The implementation of the repeal of the "Don't Ask, Don't Tell" law has been led effectively by leaders throughout the chain of command and is now essentially completed."

"Discrimination based on sexual orientation no longer has a place in the military."

"Today, our military leaders are ensuring that all America's sons and daughters who volunteer to serve our Nation in uniform are treated with equal dignity and respect, regardless of their sexual orientation."

"Our work must now expand to changing our policies and practices to ensure fairness and equal treatment and to taking care of all of our service members and their families, to the extent allowable under law."

"It is therefore time to address the question of benefits we will extend to same-sex domestic partners of military service members."

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## Introduction: Implementation

It is the Secretary of Defense's expectation that these benefits will be made available to same-sex domestic partners as expeditiously as possible.

Implementation of these benefit changes will require substantial policy revision, training, and, in the case of identification cards, technical upgrades, all of which are currently underway.

Click the sticky notes to learn about the implementation milestones.

Sticky note: ASAP!

Commanding officers shall meet with Ombudsmen and Family Readiness Groups (FRG) as soon as possible after completing this training, but no later than 15 September 2013.

The meeting should explain that, as a result of the new DOD policy, FRGs and Ombudsmen will be interacting with same-sex domestic partners and their children. Same-sex domestic partners will be welcome to serve as Ombudsmen and in other volunteer positions in support groups.

The meeting should cover the new policy benefits, but the CO should also stress the policy's intention of inclusiveness; that is, including same-sex domestic partners and children as part of the Navy family.

Sticky note: 23 AUG 13

In accordance with the Secretary of Defense's timeline, the Navy will complete all training for benefit implementers and the Command Triad no later than 23 August 2013. Additionally, a NAVADMIN will be released on this date announcing the policy changes and execution process for Sailors.

Sticky note: 31 AUG 13

This is the date that benefits will become available to eligible same-sex domestic partners of Sailors and their families.

Sticky note: 03 SEP 13

The first business day after the benefits implementation date the ID cards can be issued.

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## What Is the New Policy? Overview

Since the repeal of "Don't Ask, Don't Tell," the current policy provides a Sailor who has a same-sex domestic partner the same benefits as any *single* Sailor, including a single Sailor with legal custody of children. The new policy is DOD-directed and is based on a careful and deliberative review by the DOD and the services in a Joint Benefits Review Working Group.

It departs from the previous policy by recognizing the committed relationships of Sailors and their same-sex domestic partners. The new policy reiterates the member-designated benefits that are currently available to ALL military members.

The new policy also identifies *additional* benefits that can *lawfully* be provided to same-sex domestic partners and their children through changes in DOD policies and regulations.

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## Who Is Eligible? Eligibility

Eligibility for these benefits shall be extended to military members, their same-sex domestic partners and, where applicable, children of same-sex domestic partners, where the military member and partner have signed a declaration attesting to the existence of a committed relationship.

Click each image to learn more about eligibility.

### **MILITARY MEMBER:**

An eligible military member is one who is serving on active duty, or is in the National Guard or Reserves, or is retired.

### **SSDP:**

A same-sex domestic partner is a person in a domestic partnership with a military member of the same sex.

The military member and same-sex domestic partner must have a DD FORM 653, Declaration of a Same-Sex Domestic Partnership for DEERS Enrollment on file for the same-sex domestic partner to be eligible to receive benefits.

State documentation of a committed relationship is not applicable to extending benefits to SSDP. (State same-sex marriage certificate or civil union)

This new form will be discussed later in this training.

### **CHILDREN of SSDP:**

Children of the same-sex domestic partner do not have to be adopted by the military member, nor do they have to be biologically related to the military member or the partner to receive benefits. However, the same-sex domestic partner must have legal custody or guardianship of the children.

### **FAQ:**

**Q:** Are heterosexual unmarried partners in a committed relationship eligible for these benefits, and if not, why not?

**A:** No. Heterosexual couples, if they so choose, have the opportunity in every state to get married, and their marriage is recognized by federal law. The new policy is a significant effort to close the gap in equity for benefits for same-sex couples, consistent with current law.

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## What Benefits Will Be Available? Existing Benefits

ALL Sailors currently have the following benefits available, for which they may select ANY beneficiary of their choosing. Two additional member-designated benefits were identified in the SECDEF Memorandum of 11 February 13: hospital visitation privileges and participation in Family Readiness Groups.

All these benefits will remain available under the new policy.

Click each phrase to learn more about existing benefits.

### **Educational**

Sailors can designate beneficiaries for these educational benefits:

The All-Volunteer Force Educational Assistance Program Active Duty Death Benefit, and

The Post-Vietnam Era Veterans' Assistance Program.

### **Service Support**

A Family Readiness Group serves as a link between the command and Sailors' families to enhance preparedness, improve command mission readiness, and increase the resiliency and well-being of Sailors and their families.

These groups are open to all family members, Sailors, and civilians associated with the command and its personnel.

### **Survivor Benefits**

- Casualty Notification
- Death Gratuity Benefit
- Designation of Persons Authorized to Direct Disposition (PADD) of Remains of Members of the Armed Forces
- Designation of Persons Having Interest in Status of a Missing Member
- Escorts for Dependents of Deceased or Missing Members – Eligibility to be an Escort
- Final Settlement of Accounts Beneficiary
- Hospital Visitation Privileges
- Payments to Missing Persons
- Person Eligible to Receive Effects (PERE) of Deceased Persons
- Presentation of the Flag of the United States
- Service Members' Group Life Insurance (SGLI) Beneficiary
- Survivor Benefit Plan (SBP) for Retirees
- Thrift Savings Plan (TSP) Beneficiary
- Veterans' Group Life Insurance (VGLI) Beneficiary
- Wounded Warrior Designated Caregiver

### **Travel Allowance**

Travel and transportation allowances are provided to attend Yellow Ribbon Reintegration Events and Returning Warrior Workshops for up to two people of the Reservist's choosing.

A transportation allowance is also provided to designated individuals to visit the military member while he or she is hospitalized and/or to attend the burial ceremony or memorial service.

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## **What Benefits Will be Available? Key Documents**

Several of the aforementioned benefits hinge on the Sailor's designations on two key documents: the Service Members' Group Life Insurance (SGLI), and NAVPERS 1070/602, Dependency Application/Record of Emergency Data (Page 2).

It is crucial for *all* Sailors to ensure their Service Members' Group Life Insurance and NAVPERS 1070/602 beneficiaries and contacts are current; otherwise unintended beneficiaries may receive the Sailor's benefits. All other designations of a Sailor's choosing without a specific field on the Page 2 should be listed in the Remarks Field of the NAVPERS 1070/602 or the benefits default to legal determination—typically primary next of kin.

Click each button to learn more.

### **SGLI**

Directly affects who will receive casualty notification, as well as the death benefits for the All-Volunteer Force Educational Assistance Program and the Post-Vietnam Era Veterans' Assistance Program.

### **NAVPERS 1070/602**

The information provided on the NAVPERS 1070/602 directly affects who will receive gratuity pay, unpaid pay and

allowances, and allotment if the Sailor is in a missing person status. Other allowable designation for benefits should be listed in the Remarks field.

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## What Benefits Will Be Available? New Benefits

### CHILD-RELATED:

Child and Youth Programs (CYP): Prioritized admission based on OPNAVINST 1700.9

Transportation to and from Primary and Secondary School for Minor Dependents

Youth Sponsorship Program

### FAQ

**Q:** My husband and I are dual military and have not been able to get our daughter into a Child Development Center (CDC). We've been on the waiting list for 15 months and are now Tier 1. How will extending child care benefits to children of SSDPs affect families like ours who are currently waiting to get in to a CDC?

**A:** All children eligible for CYP childcare—*regardless of the parents' sexual orientation*—are prioritized for admission based on OPNAVINST 1700.9(series).

### DEATH:

Authority of Service Secretary to Transport Remains of a Dependent

Disability and Death Compensation: Dependents of Members Held as Captives

### DUTY-RELATED:

Emergency Leave: Shall be granted to attend to a same-sex domestic partner's emergencies.

Emergency Leave of Absence: Shall be granted to attend to a same-sex domestic partner's emergencies.

Exemption from Hostile-Fire Areas: shall be granted to a military member if the military same-sex domestic partner is killed in a combat zone.

Joint Duty Assignments (Collocation): Shall be granted to military members with military same-sex domestic partners in accordance with existing policy.

### FFSC

Access to all programs not restricted by law

Same-sex domestic partners and their children will have access to all Fleet and Family Support Center programs allowable under the law.

Examples of programs restricted by law:

NOT available: Online job resource, "Military Spouse Employment Partnership," due to term "spouse"; however, job board in FFSC is available

NOT available: Career guidance from a Spouse Education and Career Opportunities consultant; however, consultant could direct partner to helpful websites

Sexual Assault Prevention and Response (SAPR): If a same-sex domestic partner or a partner's child is sexually assaulted, limited emergency medical care and available counseling by a SARC and SAPR VA will be provided.

### LEISURE AND TRAVEL

Commissary privileges

Exchange privileges

Morale, Welfare and Recreation Programs

Space-Available Travel on DOD Aircraft

## **REGIONAL LEGAL SERVICE OFFICE (RLSO)**

Legal Assistance

## **SURVEY PARTICIPATION**

Quadrennial Quality of Life Review

Surveys of Military Families

## **TRANSPORTATION**

Transportation to and from Certain Places of Employment and on Military Installations

The DOD will extend the benefits shown to military members and their same-sex domestic partners, as well as the partners' children.

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## **What Benefits Will Be Available? ID Cards**

Like other dependents, a DD Form 1173, United States Uniformed Services Identification Card will be issued to the SSDP and, as applicable, the children and will be renewed in accordance with existing policies.

The sponsor, SSDP and children can visit PSD beginning 03 September 2013 for final verification of sponsorship and eligibility to obtain their ID Card, and the registration and enrollment in DEERS.

The ID cards will look like other dependent ID cards; however, the abbreviation "DP" for "domestic partner" will be in the "Relationship" box of the SSDP's card.

The children's card abbreviation is to be determined and will either read "DPC" or "CH" in the relationship box.

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## **How Do Sailors Initiate the Process? Declaration of Same-Sex Domestic Partnership**

To establish federally recognized documentation of a domestic partnership, the Sailor and the same-sex domestic partner will need to sign DD FORM 653, Declaration of a Same-Sex Domestic Partnership for DEERS Enrollment.

DD FORM 653 is a *new* form the DOD developed specifically for this purpose and is similar to those in use by other federal government agencies.

It is currently only available as a non-executable draft until 31 August 2013.

Having a DD FORM 653 does not affect any state-recognized marriage, civil union, state-granted domestic partnership, etc., a military member and the SSDP may have.

The DD FORM 653 must be in DEERS and in the member's Official Military Personnel File (OMPF) to access the available benefits.

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## **How Do Sailors Initiate the Process? Declaration of Same-Sex Domestic Partnership**

The DD FORM 653 consists of four sections.

### **DD FORM 653**

Click each section for a brief overview.

**Section 1**

Section One includes definitions for “domestic partner” and “domestic partnership.”

**Section 2**

Section Two lists declarations that define the parameters of a domestic partnership beyond its basic definition.

**Section 3**

Section Three outlines the notification process for a nullified declaration, as well as the consequences for falsifying information, for violating the declaration, and for failing to notify the service of a nullified declaration, i.e., may lead to disciplinary action or constitute a criminal violation under the UCMJ, or may lead to the recovery of the cost of benefits received related to such falsification.

**Section 4**

Section Four provides areas for both partners to sign and provide other information.

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## How Do Sailors Initiate the Process? Declaration of Same-Sex Domestic Partnership

If both parties agree to the declaration, they simply complete the form and sign it—no notary or witnesses required—and provide it to the Command PASS Coordinator (CPC) who will submit the form to the Personnel Support Detachment (PSD) via the [Transaction Online Processing System](#) (TOPS).

Because these benefits are *federal*, state-documentation of marriage, civil union, etc., is not accepted, nor necessary, as proof of the relationship. Only DD FORM 653 establishes the relationship for the purpose of receiving these federal benefits.

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## How Do Sailors Initiate the Process? Dissolution of a Same-Sex Domestic Partnership

At some point, the domestic partnership may end or may no longer meet the eligibility requirements outlined in DD FORM 653.

If this happens, the Sailor must complete DD FORM 654, Dissolution of a Same-Sex Domestic Partnership for DEERS Termination, and submit it to the Personnel Support Detachment within 30 days of the dissolution.

The SSDP and children will be removed from all Navy-sponsored programs and activities, including child care.

The Sailor must wait six months from the date DD FORM 654 was submitted to the Personnel Support Detachment before submitting a new DD FORM 653 to establish a new relationship.

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## Why Are Some Benefits Excluded? Defense of Marriage Act (DOMA)

With regard to these new benefits, you may have noted the phrase, “that can lawfully be provided.” Though the DOD can make changes to its own policies and regulations to accommodate same-sex domestic partners, the DOD must still abide by federal law, including the Defense of Marriage Act.

The Defense of Marriage Act is the federal law that prevents the DOD from extending certain benefits to same-sex domestic partners.

The Defense of Marriage Act defines the word “marriage” as, “a legal union between one man and one woman as husband and wife.”

This law also defines a “spouse” as, “a person of the opposite sex who is a husband or a wife.”

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## Why Are Some Benefits Excluded? Exclusions

Excluded benefits present complex legal and policy challenges due to their nexus to statutorily-prohibited benefits.

The military services will continue to review these benefits to determine how best to ensure that all military members are treated equally regardless of sexual orientation.

The benefits shown here are the most commonly asked-about excluded benefits.

Click each label to learn more.

**Allowance for Basic Housing (BAH):**

A military member with a SSDP is *not* eligible for BAH at the "with dependent" rate based on a SSDP or the SSDP's children. However, a military member may still qualify for BAH at the single rate when in accordance with Navy policy.

Additionally, a military member is eligible to receive BAH at the "with dependent" rate based on his/her own dependent children or dependent parents.

**Health Care:**

Both medical and dental benefits are excluded.

**Permanent Change of Station (PCS):**

Permanent Change of Station travel and transportation allowances are excluded benefits.

**Command Sponsorship:**

Command sponsorship overseas is not available to SSDPs due to U.S. Status of Forces Agreement restrictions and U.S. law.

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## Why Are Some Benefits Excluded? DOMA FAQ

Q: What happens if DOMA is repealed?

A: In the event DOMA is repealed, the DOD will reassess the benefits policy in place at that time. The DOD is committed to following the law, and the Navy will continue to follow DOD guidance on providing benefits.

Q: If DOMA is repealed, will Sailors and their SSDPs be eligible for back-payments of BAH, reimbursement of health care payments made after the Sailor joined the Navy, etc.?

A: No. The Navy follows the law and will provide benefits as allowable under current law and policy.

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## What is the Triad Guidance? Overview

Let's address guidance for the Triad.

Click each image to learn about key implementation message, the Triad's responsibility, and discretionary decision making authority.

**Key Implementation Message:**

Ultimately, the key implementation message is the same for all Sailors in all circumstances: Conduct yourself as a disciplined and professional leader who respects all Sailors for their service in the United States Navy and their sacrifices for our nation.

Your role as a leader is to live the implementation message and inspire your command to do the same.

**Triad Responsibility:**

With regard to this policy, ensure command awareness on the new policy, to include key implementation dates, benefits that are or will become available to Sailors and their SSDPs, and the process for accessing those benefits. Ensure Sailors know they are to use the chain of command to resolve any issues or problems they have with accessing the benefits. In addition, meet with the FRGs/Ombudsman no later than 15 SEP 13 to clarify the new policy.

**Discretionary Decisions:**

With regard to discretionary decisions, consult with your chain of command and Legal to ensure your decisions align with federal law and Navy policy. Decisions shall be made in a sexual-orientation neutral manner to ensure fairness and equal treatment to the extent allowable under law.

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## What Is the Triad Guidance? Point of Contact, Resources, and References

More details will be released as relevant deadlines approach.

Add the links below to your Favorites for future reference.

**CONTACT:**

Policy Guidance Specific to Navy DADT Repeal Policy or Extending Benefits to SSDPs, or training content:

EMAIL: [dadt@navy.mil](mailto:dadt@navy.mil)

**RESOURCES:**

Comprehensive list of all Navy benefits

DADT Post-Repeal, including benefits information and policy updates

**REFERENCES:**

CNO NAVADMIN 024/13

DADT Post-Repeal Webpage

Defense of Marriage Act

SECDEF Memorandum, 11 FEB 13

SECDEF Memorandum, 24 APR FEB 13

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## Summary

During this lesson you learned about the background for the establishment of the new policy for extending benefits to same-sex domestic partners of military members as well as the Navy's key implementation dates for policy revision, training, and technical upgrades.

An explanation of benefits eligibility for same-sex domestic partners and their children was provided.

You were presented with a list of existing benefits already available to all Sailors and introduced to the New Benefits for Sailors and same-sex domestic partners and their children.

The lesson defined the Defense of Marriage Act and the reason for the exclusion of federal benefits to same-sex domestic partners.

The lesson also covered DD FORM 653, Declaration of a Same-Sex Domestic Partnership for DEERS Enrollment and DD FORM 654, Dissolution of a Same-Sex Domestic Partnership for DEERS Termination.

And finally the lesson covered the Guidance for the Triad and the contact for support, if needed in the future.

This concludes the training.

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