



DEPARTMENT OF THE NAVY
OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON, D.C. 20350-2000

27 September 2013

Colleagues in Ministry,

Following the U.S. Supreme Court's decision in *U.S. v. Windsor*, the Secretary of Defense issued policy guidance extending benefits to same-sex spouses of military members and directed the Military Services to provide spousal benefits to same-sex spouses on 3 September 2013. The Navy issued specific guidance in ALNAV 061/13 and NAVADMIN 218/13.

You already demonstrate a keen understanding that we have been appointed to function in the pluralistic environment of the military, with tolerance for diverse religious traditions and respect for the rights of individuals to determine their own religious convictions. As chaplains have throughout our history, we provide faith-specific ministries where we can and facilitate for those having differing beliefs or convictions from our own. Consistent with SECNAVINST 1730.7D, we will continue to support the free exercise of religion for all, including chaplains, and ensure that chaplains are not required to act contrary to the tenets of their religious organization. Should you feel that you are being required to act contrary to those tenets, please do not hesitate to contact your supervisory chaplain, your chain of command, my office, or invite your endorsing agent to contact my office. In all that we do, we will continue to obey the law, treat everyone with dignity and respect, and care for all.

Your service continues to exemplify the principles of Professional Naval Chaplaincy such as mutual respect, cooperation, and professionalism in all of your actions. I know that you will continue to conduct your ministry with integrity and compassion, meeting the requirements of your religious organization, the Chaplain Corps, and the Naval Service. To support you in meeting those requirements and as indicated in NAVADMIN 218/13, all active and reserve component chaplains will complete Chief of Chaplains' approved training on this topic. We are developing that training now and will provide you with information on it in the near future.

Thank you for answering the "Call to Serve." May God continue to bless you as you fulfill the sacred duty of serving our people.

Sincerely,

A handwritten signature in black ink, appearing to read "M.L. TIDD", is positioned above the typed name.

M. L. TIDD
Rear Admiral, CHC, US Navy
Chief of Chaplains

- Enclosures:
1. MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS, UNDER SECRETARY OF DEFENSE FOR PERSONNEL AND READINESS, Extending Benefits to the Same-Sex Spouses of Military Members, Aug 13, 2013
 2. ALNAV 061/13
 3. NAVADMIN 218/13



SECRETARY OF DEFENSE
1000 DEFENSE PENTAGON
WASHINGTON, DC 20301-1000

AUG 13 2013

MEMORANDUM FOR SECRETARIES OF THE MILITARY DEPARTMENTS
UNDER SECRETARY OF DEFENSE FOR PERSONNEL
AND READINESS

SUBJECT: Extending Benefits to the Same-Sex Spouses of Military Members

The Department of Defense welcomes the Supreme Court's recent decision declaring section 3 of the Defense of Marriage Act, which prevented Federal recognition of same-sex marriages, to be unconstitutional. The Department has begun the process of implementing the Supreme Court's decision in consultation with the Department of Justice and other executive branch agencies. It is now the Department's policy to treat all married military personnel equally. The Department will construe the words "spouse" and "marriage" to include same-sex spouses and marriages, and the Department will work to make the same benefits available to all military spouses, regardless of whether they are in same-sex or opposite-sex marriages. The Department will continue to recognize all marriages that are valid in the place of celebration.

The implementation effort is led by the Acting Under Secretary of Defense for Personnel and Readiness, in coordination with the Military Departments. It is my expectation that all spousal and family benefits, including identification cards, will be made available to same-sex spouses no later than September 3, 2013. The Acting Under Secretary of Defense for Personnel and Readiness will issue further guidance as necessary as the Department works through this process.

On February 11, 2013, my predecessor directed that the Department of Defense extend, by August 31, 2013, certain benefits to same-sex domestic partners of military members, and, where applicable, the children of the same-sex domestic partner, once the Service member and their same-sex domestic partner signed a declaration attesting to the existence of their committed relationship. He also stated that the Department would reassess this decision if the Defense of Marriage Act were to become no longer applicable to the Department. After the recent Supreme Court decision made the Act inapplicable to the Department, that reassessment was conducted.

As the Supreme Court's ruling has made it possible for same-sex couples to marry and be afforded benefits available to any military spouse and family, I have determined, consistent with the unanimous advice of the Joint Chiefs of Staff, that the extension of benefits to the same-sex domestic partners of military members is no longer necessary to remedy the inequity that was caused by section 3 of the Defense of Marriage Act.

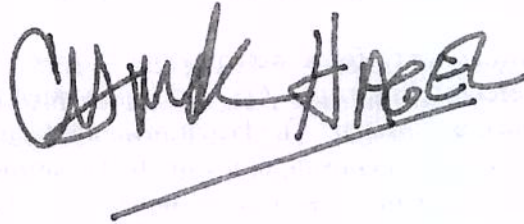
We recognize that same-sex couples not stationed in a jurisdiction that permits same-sex marriage would have to travel to another jurisdiction to marry. Accordingly, the Department will implement policies to allow military personnel in such a relationship non-chargeable leave for the purpose of traveling to a jurisdiction where such a marriage may occur. This will provide

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accelerated access to the full range of benefits offered to married military couples throughout the Department and help level the playing field between opposite-sex and same-sex couples seeking to be married.

The Department of Defense remains committed to ensuring that all men and women who serve our country and their families are treated fairly and equally. Expedient implementation of the decisions announced in this memorandum will help the Department remain true to that commitment.

Thank you.

A handwritten signature in black ink that reads "Clark Abel". The signature is written in a cursive style and is underlined with a single horizontal line.

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

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ALNAV 061/13

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SUBJ/GUIDANCE ON EXTENDING BENEFITS TO THE SAME-SEX SPOUSES OF MILITARY MEMBERS//

REF/A/ALNAV 060/13
REF/B/DOC/SECDEF/MEMO/13AUG13//
REF/C/DOC/A-USD(P&R)/MEMO/13AUG13//
REF/D/DOC/SECDEF/MEMO/11FEB13//
REF/E/DOC/A-USD(P&R)/MEMO/04SEP13//

NARR/REF A is cancelled. REF B is a Secretary of Defense (SECDEF) memo extending benefits to the same-sex spouses of military members. REF C is a Under Secretary of Defense (Policy & Readiness) memo providing further guidance on extending benefits to same-sex spouses of military members. REF D is a SECDEF memo extending benefits to the same-sex domestic partners of military members. REF E is a USD(P&R) memo clarifying policy on granting administrative absence to obtain a legal marriage.

RMKS/1. Benefits for Same-Sex Spouses. In accordance with REFS B and C, the Department of Defense (DoD) announced that 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 military spouses, regardless of whether they are in a same-sex or opposite-sex marriage. The Department will continue to recognize all marriages that are certified with a valid marriage license. All spousal and family benefits, including Identification (ID) cards, will be made available to same-sex spouses no later than 3 September 2013. Defense Enrollment Eligibility Reporting System (DEERS) upgrades are on schedule to meet this deadline.

2. Cancellation of Domestic Partner Declaration Benefits. REF D directed the extension of certain benefits to same-sex domestic partners of military members who signed a declaration attesting to the existence of their committed relationship. In REF D, SECDEF also stated that this decision would be reassessed if the Defense of Marriage Act (DOMA) were no longer applicable to DoD. Now that the Supreme Court has held Section 3 of DOMA unconstitutional, all military personnel will be treated equally and extending benefits to the same-sex domestic partners of military members is no longer necessary. The Supreme Court's ruling has made it possible for same-sex couples to marry and be afforded benefits available to any military spouse and family. Accordingly, benefits will only be extended to spouses. There is no change to member-designated benefits, which are available to all military personnel and any beneficiary of their choosing.

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3. Effective Date of Spousal Benefits for Same-Sex Married Couples. Entitlement to benefits is retroactive to the date of the Supreme Court's decision of 26 June 2013. Military members married prior to the decision accrue benefits as of 26 June 2013. Military members who were married after 26 June 2013 accrue benefits as of the date of their marriage. While some benefits such as DEERS enrollment and ID card issuance are not available until 3 September 2013, monetary benefits such as Basic Allowance for Housing at the "with dependent" rate and family separation allowance are effective immediately for married military personnel. Benefits accrue as of the date of the Supreme Court ruling or the date of their marriage, whichever is later. Any claims to entitlements before 26 June 2013 will not be granted.

4. Additional Matters. In accordance with REF E, the Navy and the Marine Corps are authorized to grant Administrative Absence to Obtain a Legal Marriage to a Service member or members who are part of a couple that desires to get married, but is assigned to a duty station located more than 100 miles from a U.S. state, the District of Columbia, or other jurisdiction that allows the couple to marry. Eligible Service members assigned within the Continental United States may be granted administrative absence for up to seven days depending upon applicable waiting periods and travel time to and from the marriage jurisdiction. Eligible Service members assigned outside the Continental United States may be granted administrative absence for up to ten days depending upon the same waiting period and travel time considerations. Administrative absence to obtain a legal marriage may be granted only once during the career of a Service member. Commands should be consistent when granting Service members' requests for Administrative Absences to Obtain a Legal Marriage based on each member's satisfaction of the eligibility criteria and within the constraints of the command's operational requirements. This Administrative Absence may also be authorized to be taken in conjunction with regular leave. Further guidance will also be forthcoming in a future Naval Administrative message concerning implementation and extension of benefits related to, but not limited to, TRICARE, Collocation, and Overseas Assignments. With respect to Overseas Assignments, issuing command-sponsored orders to certain countries where the Status of Forces Agreements do not provide adequate privileges and protections to Service members and their same-sex spouses may not be advisable.

5. Retirees. Married retirees will be able to obtain an ID card for their same-sex spouses on or after 3 September 2013 along with active and reserve component members. For other issues, members are encouraged to contact the Department of Veterans Affairs.

6. Released by Ray Mabus, Secretary of the Navy.//

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SUBJ/GUIDANCE ON BENEFITS FOR SAME-SEX SPOUSES//

REF/A/DOC/SECDEF/11FEB13//
REF/B/DOC/SECDEF/13AUG13//
REF/C/MSG/CNO WASHINGTON DC/N1/121907ZFEB13//
REF/D/MSG/CNO WASHINGTON DC/N1/040155ZJUN13//
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REF/F/DOC/NAVPERS/10NOV09//
NARR/REF A IS A SECDEF MEMO EXTENDING BENEFITS TO THE SAME-SEX DOMESTIC PARTNERS OF MILITARY MEMBERS. REF B IS A SECDEF MEMO EXTENDING BENEFITS TO SAME-SEX SPOUSES OF MILITARY MEMBERS AND ELIMINATING DOMESTIC PARTNER BENEFITS ANNOUNCED IN REF A.
REF C IS NAVADMIN 024/13 ANNOUNCING MEMBER-DESIGNATED BENEFITS AND GUIDANCE ON BENEFITS FOR SAME-SEX DOMESTIC PARTNERS. REF D IS NAVADMIN 152/13 IMPLEMENTING TRAINING REQUIREMENTS TO EXTEND BENEFITS TO SAME-SEX DOMESTIC PARTNERS. REF E IS APPENDIX A1 OF THE JOINT FEDERAL TRAVEL REGULATIONS. REF F IS MILITARY PERSONNEL MANUAL SECTION 1300-302, SUITABILITY AND SELECTION FOR OVERSEAS SERVICE.

RMKS/1. Benefits for Same-Sex Spouses. As a result of the 26 June 2013 Supreme Court decision on the Defense of Marriage Act, ref (b) announced that the Department of Defense (DoD) will work to make the same benefits available to all spouses of military members, to include retirees and reservists, regardless of whether they are in a same-sex or opposite-sex marriage. The DoD will continue to recognize all marriages that are certified with a valid marriage license. DoD ID cards (DD Form 1173) will be made available to same-sex spouses as will all spousal and family benefits NLT 3 September 2013. See paragraph 4 of this message for guidance on the effective date of spousal benefits.

2. Cancellation of the Domestic Partner Declaration. Refs (c) and (d) are hereby cancelled. As the Supreme Court's ruling has made it possible for same-sex couples to marry and be afforded benefits available to any military spouse and family, SECDEF determined that the extension of benefits to same-sex domestic partners of military members is no longer necessary. The Declaration of Domestic Partnership (DD653) for same-sex partners will no longer be implemented. Cancellation of ref (c) does not affect member-designated benefits which will be detailed in a future NAVADMIN.

3. Administrative Absence for Marriage. Ref (b) granted military personnel in same-sex relationships up to 10 days of non-chargeable leave for service members assigned OCONUS and up to 7 days for service members assigned CONUS for the purpose of traveling to a jurisdiction that allows same-sex marriage, if they are stationed more than 100 miles from such a jurisdiction. This policy is being revised by the Office of the Secretary of Defense. Upon receipt of this revised guidance, MILPERSMAN 1050-440 will implement policy

Enclosure (3)

details for the administrative absence.

4. Allowances. The earliest effective date for married same-sex couples to receive dependent-based allowances such as basic allowance for housing, overseas housing allowance, family separation allowance and travel and transportation allowances for permanent change of station (PCS) is 26 June 2013 or their date of marriage, whichever is later. Payments of allowances before 26 June 2013 are not authorized. Waiver requests to pay allowances before 26 June 2013 will not be considered. Per ref (e), PCS travel and transportation allowances are authorized for dependents who were married on or before the effective date of current orders (determined in accordance with ref (e)).

5. TRICARE. Healthcare received between 26 June 2013 and 1 October 2013 will be reimbursed using TRICARE Standard/TRICARE for Life benefit since TRICARE does not offer retroactive TRICARE Prime coverage. 1 October 2013 is the first day of the normal TRICARE Prime enrollment cycle for spouses who receive an ID card on or after 3 September 2013. Refer all questions to TRICARE.

6. Married Dual-Military Collocation. Available 3 September 2013 for same-sex married personnel. On 3 September 2013, and thereafter, a collocation request may be considered as with any other married person per Navy policy.

7. Accompanied Overseas Assignment. In accordance with DoD policy, all service members will continue to be eligible for world-wide assignment without consideration of sexual orientation. However, host nation law may impact whether a same-sex spouse can accompany the service member. DoD is working with the Department of State to conduct a careful review of command sponsorship for overseas tours, as well as all applicable host nation laws and Status of Forces Agreements. At this time, because it is unclear whether a same-sex dependent will be recognized by the host nation, the Navy will not authorize an accompanied overseas assignment to a foreign country for a same-sex spouse. Until these issues are resolved, PCS authorization for same-sex spouses who would normally accompany a service member in receipt of OCONUS PCS orders are on hold except for Hawaii, Alaska, Guam, and Puerto Rico, the U.S. Virgin Islands, and U.S. territories and possessions (excluding the former Trust Territories of the Pacific Islands). This is to ensure appropriate legal protections are in place for the service members and their spouses. Until further notice, the commanding officer of the transferring command must make a finding that same-sex spouses are unsuitable for overseas accompanied orders per ref (f). Personnel Support Detachments shall not issue an official passport or plane tickets to a same-sex spouse. As DOD and Navy determine overseas assignment eligibility in different countries for same-sex spouses, updates will be posted on http://www.public.navy.mil/BUPERS-NPC/SUPPORT/21ST_CENTURY_SAILOR/DADT/Pages/default.aspx.

8. DoD ID Cards. Active and reserve uniformed and retired service members will be able to obtain a DoD ID card (DD Form 1173) for their eligible dependents on or after 3 September 2013, upon producing a valid state-issued marriage certificate to a DEERS ID card location. Retirees are encouraged to contact the local Veteran's Administration offices in their area for all other issues.

9. Ombudsmen and Family Readiness Groups (FRG). Per previous Navy Knowledge Online Command Triad training requirement, COs shall meet with their Ombudsman and FRG NLT 15 September 2013 to discuss these changes and ensure

respectful and inclusive family support continues to be provided. This is not an additional requirement. Those COs who have already complied are not required to meet with the Ombudsman and FRG a second time.

10. Training Requirements. With the cancellation of ref (d), the training that was underway is cancelled with several exceptions: PERS-4 is providing specific direction to the detailers with regard to overseas assignment; the JAG Corps has executed revised training in accordance with the policy changes in ref (b); and the Chaplain Corps training is being revised and will be required at a future date determined by OPNAV N097. No other training is mandated. Other training desired or required by individual resource sponsors requires OPNAV N1 and OJAG, Code 13 review prior to execution. Contact the POC in paragraph 11 of this message for additional guidance.

11. For commanding officers: Commanders are encouraged to seek guidance from the chain of command or their command legal counsel concerning policy or legal issues. Specific policy guidance issues may be addressed to Captain Janet Bristol, N13 at (703) 604-5002 or via e-mail at janet.bristol(at)navy.mil. Additional information can be found on Navy's DADT post repeal website on the Navy Personnel Command homepage at <http://www.public.navy.mil/bupers-pc/support/dadt/pages/default.aspx>.

12. Released by Vice Admiral W. F. Moran, N1.//

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