

Social Security

Notice Of Class Action Order: *Thornton V. Commissioner Of Social Security*

This notice contains important information if you are a surviving partner of a same-sex relationship who applied for Social Security widow(er)'s benefits on the record of your deceased partner, but your claim was denied because you and your partner were never married.

In *Thornton v. Commissioner of Social Security*, the United States District Court for the Western District of Washington certified a nationwide class defined as follows:

All persons nationwide who presented claims for Social Security survivor's benefits based on the work history of their same-sex partner and who were barred from satisfying the marriage requirements for such benefits because of applicable laws that prohibited same-sex marriage.

The District Court also determined that presentment of a same-sex widow(er) claims filed prior to November 25, 2020 was required in order to be considered a part of the *Thornton* class.

The District Court ordered SSA to re-adjudicate all class members' claims and determine whether the class members would have qualified for survivor's benefits "but for applicable laws that prohibited same sex marriage." In addition, the District Court prohibited the agency from denying benefits to surviving partners of same-sex relationships without first considering whether they would have married their partners if State laws had permitted same-sex marriage earlier.

Although a surviving partner of a same-sex relationship who files an application after November 25, 2020 is not a *Thornton* class member, SSA has decided to adjudicate claims from surviving partners of same-sex relationships who file applications after November 25, 2020 on the same terms and conditions as the agency processes the claims for members of the *Thornton* class. Therefore, the surviving partners of same-sex relationships who file after November 25, 2020, and allege that unconstitutional state laws prevented them from marrying before the numberholder's death will receive additional consideration pursuant to the decision in *Thornton*.

If you think that you are a member of the *Thornton* class and entitled to relief under this case, we encourage you to contact Social Security right away.

If you were married to your same-sex partner before your partner's death, and were denied for not meeting the 9-month duration requirement, you are not entitled to relief under *Thornton*, but

you may be a member of a different class action, *Ely v. Saul*. For more information about the *Ely* class action, please click on this link: *Ely V. Saul*

If You Have Any Questions

If you have any specific questions, you may contact your local field office. To find your local field office's contact information, visit <https://www.ssa.gov/locator>. Please reference this webpage when you contact the agency. It will help us answer your questions.

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