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Held v. Colvin Plaintiffs

Gay & Lesbian Advocates & Defenders (GLAD), Justice in Aging and Foley Hoag LLP are representing Kelley Richardson-Wright of Athol, Massachusetts and Hugh Held of Los Angeles in a class action lawsuit against the Social Security Administration (SSA). The suit charges that SSA discriminated against Supplemental Security Income (SSI) recipients married to someone of the same sex for months, and in some cases more than a year, after that discrimination was held unlawful by the Supreme Court in June 2013. SSA is now demanding that recipients, including Held and Richardson-Wright, refund benefits they were paid as a result of the discrimination.

For more information on the case, and to read the complaint, visit www.GLAD.org/SSI

Hugh Held

Hugh Held and Orion Masters live in Los Angeles, CA. They have been together since 1993 and have been married since 2008.

Both are HIV positive and receive SSI on that basis. Mr. Held has been receiving SSI since 2008. His monthly benefit until June 2014 was \$877.40 a month after which it was reduced without notice to \$308.10. In addition to his benefit being cut in half, Mr. Held also has a bill from SSA for \$6,205, the amount he was allegedly overpaid during the time the Social Security Administration (SSA) failed to recognize his legal marriage to Mr. Masters as a result of the overturning of DOMA.

On three separate occasions—the first a year before DOMA was overturned—the couple inquired at their local SSA branch office whether the Windsor case would affect their benefits. The first two times, they were told that the decision would not affect their benefits. The third time they were told that it might, but it was unclear how. A year later, Mr. Held's benefits were cut in half without notice or explanation.

"We barely get by on what we get now," said Mr. Held. "I can't imagine them taking more away. It would cut into the little money we have for food."

Kelley and Kena Richardson-Wright

Kelley and Kena Richardson-Wright met in college – but they weren't 18-year-olds. As “mature students” at Mount Wachusett Community College, they gravitated toward each other and became friends. Both were studying complimentary health care, aiming to earn associate's degrees and become certified in massage therapy.

Kelley, a communications professional, had become interested in health while caring for an ailing aunt. Kena was also making a career change. After graduating, the women became romantically involved and they married in 2007 in a big ceremony with white dresses and lots of relatives, including Kena's daughters. Monica was the maid of honor and Alisha was a bridesmaid.

Despite their marital happiness, they had troubles that soon became serious. Kena's alternative therapy business became a casualty of the economic crash of 2008. She then became a hair stylist, earning minimum wage. Kelley's health had been failing since 2004. Over time, her medical issues became so severe that she could not work. Reluctantly, Kelley applied for SSI, which she began to receive in 2012.

The couple was scraping by when they started to receive confusing and alarming communications from the Social Security Administration (SSA) about Kelley's benefits. SSA was going to start withholding a significant portion of Kelley's disability payments. The reason? It had taken SSA a year and a half to recognize Kelley and Kena's marriage – which the agency should have done when the Supreme Court struck down the Defense of Marriage Act in June 2013.

“We never realized,” said Kelley. “Of course we want to do the right thing, but we are now paying for Social Security's mistake.” Kena and Kelley subsequently received numerous conflicting communications from SSA about what they should do. At one point, the stress put Kelley in the hospital, and the next morning, the women's car was repossessed, which meant Kena could not get to work.

“We are worried about getting evicted from our house,” said Kena. It's a home where they take care of their grandchildren several days a week. “We are working so hard just to keep our heads above water right now.”