



*Benefits Administration Letter*

**Number:** 15-207

**Date:** October 5, 2015

**Subject: Federal Employee Health Benefits (FEHB) and Federal Employees Dental and Vision**

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Effective January 1, 2014, the Office of Personnel Management (OPM) released final regulations to extend Federal Employees Health Benefits (FEHB) and Federal Employees Dental and Vision Insurance Program (FEDVIP) eligibility to children of same-sex domestic partners of Federal employees and annuitants who would marry their partners but lived in states that did not allow same-sex couples to marry. (For purposes of this document, these children will be referred to as “stepchildren”.) Benefits Administration Letter 13-211, published December 11, 2013, provided relevant information on how employees and annuitants can cover children of same-sex domestic partners under the FEHB and FEDVIP Programs, including instructions on how agencies, retirement systems and employees should proceed when a state allows same-sex marriage and a list of states that allowed same-sex marriage. (<https://www.opm.gov/retirement-services/publications-forms/benefits-administration-letters/2013/13-211.pdf>.)

Based on the Supreme Court’s decision in *Obergefell v. Hodges*, published June 26, 2015, all states are now required to allow same-sex couples to marry. Because all states now allow same-sex marriage, OPM is removing the list of states that allow same-sex marriage on our website.

**As of the date of this BAL, agencies and/or retirement systems should no longer add children of same-sex domestic partners to FEHB enrollments as no new children are eligible.** Stepchildren that are already covered under an enrollment for plan year 2015, based on a domestic partner certification, remain eligible family members only until the end of the plan year. For plan year 2016 and beyond, couples must be married in order to cover (or continue to cover) stepchildren under their FEHB and FEDVIP enrollment. Agencies, retirement systems, employees and annuitants should follow the guidance in BAL 2013-211 on how to proceed when states begin to allow same-sex marriage mid-year. (See page 7). Please make this information available to employees.

In particular, we would like to highlight that the following actions should be taken in the event that an employee or annuitant informs the employing office or retirement system that a stepchild who is currently covered under a FEHB self and family enrollment, and who is not a tax dependent, should not be covered for plan year 2016: (these procedures have not changed from BAL 13-211, but are included here for your convenience):

*Procedures for Termination of Coverage Where Child of a Same-Sex Domestic Partner is Not A Tax Dependent*

1. The employee/annuitant informs the agency/ retirement system that the child of a same-sex domestic partner is no longer eligible for coverage as required by the domestic partner certification on file with the agency.

2. The employing office/retirement system must then notify the FEHB plan and the payroll office by completing an SF 2809;

i. The agency/ retirement system will indicate in the remarks section—code B (# of children being dropped) for example, if the employee/annuitant is indicating one child who is being dropped who is not a tax dependent will indicate B1, if the employee/annuitant is indicating 2 children who are being dropped who are not tax dependents the agency will indicate B2 in the remarks section and so on.

FEDVIP enrollees are responsible for notifying BENEFEDS of a child who loses or gains eligibility based on this change in state law. Agencies should inform enrollees of this requirement enrollees to inform them of this requirement.

If you have any questions regarding this Benefits Administration Letter please contact [insure@opm.gov](mailto:insure@opm.gov). If there are any questions regarding FEDVIP eligibility, please contact BENEFEDS at 1-877-888-3337.

Sincerely,

John O'Brien  
Director