

The Miami Herald

March 1, 2016

Circulation: 141,188 / UMV: 2,279,799

Florida widow at center of same-sex marriage suit to collect Social Security survivor benefits

BY STEVE ROTH AUS

Arlene Goldberg, the Fort Myers widow denied her late wife's Social Security when Florida refused to recognize their New York marriage, will now receive the additional survivor's benefit, the ACLU of Florida announced Tuesday.

"I'm very happy. I feel like I'm fulfilled, thanks to the ACLU, of course — their hard work and perseverance," said Goldberg, who was represented in federal court by the ACLU. "This is the beginning for other folks like me. I have friends whose partners died, just like Carol did, and they're waiting now. Florida doesn't have its act together in passing the information [to Social Security]. This will pressure them into giving other folks what they deserve."

[Goldberg was denied Social Security survivor's benefits](#) after wife Carol Goldwasser died March 13, 2014. The two had been partners for 47 years. Goldberg and Goldwasser moved from the Bronx to Florida in 1989 and married in New York in October 2011.

After Goldwasser died, Florida refused to recognize their marriage and declared that she died a single woman.

Goldberg's primary income is Social Security. Because Florida didn't recognize the marriage, Goldberg was unable to qualify as Goldwasser's widow and collect her Social Security payments, which were \$700 more each month than Goldberg's.

In April 2014, Goldberg joined a lawsuit against Florida filed by the ACLU on behalf of LGBT rights group [SAVE](#) and eight same-sex couples who married in another state.

In August 2014, U.S. District Judge Robert L. Hinkle of Tallahassee ruled that Florida's gay-marriage ban is unconstitutional, ordering the state to allow the marriage of same-sex couples and to recognize marriages performed elsewhere. The judge issued an immediate stay of his order covering all aspects of the federal case except one: Hinkle ordered Goldwasser's death certificate be amended to show she was a married woman, not single at the time she died.

Hinkle allowed same-sex couples to marry in Florida beginning early January 2015 and also ordered the state to recognize legal unions performed elsewhere.

In June 2015, the U.S. Supreme Court upheld a similar case in Ohio, allowing same-sex couples to marry throughout the nation.

Here's the complete ACLU of Florida news release:

The Social Security Administration has agreed to fully recognize the marriage of Arlene Goldberg of Fort Myers – one of the plaintiffs in the lawsuit brought by the American Civil Liberties Union (ACLU), the ACLU

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of Florida, and Stephen Rosenthal of the Podhurst Orseck law firm challenging Florida's ban on marriages for same-sex couples – and her late wife Carol Goldwasser. As a result, Goldberg will now receive the Social Security survivor's benefits to which she was entitled.

"I am so grateful to finally have this done," stated Goldberg. "Carol and I were married, same as anybody else, and I've had to fight to have that marriage recognized. I am glad that the fight to have our relationship recognized is over, and that because of this case future couples won't have to fight for that recognition."

Arlene was one of seventeen people who, along with SAVE, a South Florida-based LGBT rights organization, are represented by the ACLU in a federal lawsuit challenging the state's ban on marriage for same-sex couples. Arlene had married Carol Goldwasser in New York in October 2011. They had been together 47 years when Carol passed away on March 13, 2014 – the same day that the ACLU of Florida announced its lawsuit challenging the marriage ban in Florida. Because the state did not recognize their marriage, Arlene was unable to receive Carol's Social Security survivor's benefits that would have helped her remain financially secure following Carol's death.

In August 2014, U.S. District Judge Robert Hinkle issued an order in the case striking down Florida's marriage ban. The order went into effect in January 2015, bringing marriage equality to the state of Florida. A request for final judgment in the case is still pending.

Even after the order compelling the state to legally recognize their marriage, however, Goldberg still struggled for over a year to receive the Social Security survivor's benefits to which she was entitled. With the assistance of the ACLU, Goldberg petitioned the Social Security Administration to have her marriage recognized. She will now receive the full benefits going forward and has just received the past benefits she was previously denied following Carol's passing.

"We are very happy that we were able to get this resolved for Arlene," stated Daniel Tilley, LGBT rights staff attorney at the ACLU of Florida. "However, this is just one case. Social Security survivors' benefits are just one of the many federal protections and responsibilities that come with marriage that most people take for granted. Now that the Supreme Court has held that states banning loving same-sex couples from marriage is unconstitutional, we look forward to future guidance from the Social Security Administration making clear that all surviving spouses whose marriages were wrongfully not recognized by their home state should be treated the same as anyone else."

More information about the ACLU of Florida's federal marriage equality lawsuit is available here: <https://aclufl.org/issues/lgbt-rights/marriage-equality-lawsuit/>