Disabled Woman Seeks Marriage Equality From Social Security Administration – Files Religious Freedom and Due Process Complaint

FOR IMMEDIATE RELEASE:
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Salinas – On November 17, 2022, Lori Long of Salinas, California, filed a complaint with the Social Security Administration (SSA) seeking a waiver of a federal law that blocks her marriage to longtime fiancé Mark Contreras. The law cuts off Long’s access to life-saving benefits if she marries. The complaint alleges that the law violates the Religious Freedom Restoration Act (RFRA) and the U.S. Constitution.

Ms. Long, 51, has a rare disease that developed in childhood called hereditary ankylosing spondylitis. The bones of her spine fuse and fracture, and she experiences medical complications requiring multiple hospitalizations each year. She has difficulties performing daily activities.

Because of this significant disability, Long receives a Social Security benefit as a Disabled Adult Child (DAC). As a DAC beneficiary, Lori receives Medicare. She also receives Medicaid. Medicaid is the only health insurance program that covers disability services such as in-home support services and wheelchairs.

Under federal law, a DAC beneficiary who marries loses their benefits, with some exceptions that do not apply to Long’s situation. If Long marries her fiancé, she will lose not only her monthly stipend but her life-sustaining health care coverage.

Long is a devout Christian who considers marriage to be a religious sacrament and a fundamental right. She feels religiously called to marry Contreras.

“Loving and being loved by a man like Mark has been one of the greatest joys of my life,” said Ms. Long. “Not being able to enjoy that love within the sanctity of marriage has been one of the greatest sorrows.”

“Millions of Americans with disabilities are prevented from marrying the person they love because they need access to the health care, stipends, and disability services provided through their Social Security benefits,” said Ayesha Elaine Lewis, Staff Attorney with Disability Rights Education and Defense Fund (DREDF), and counsel for Long. “The federal rules that cut off benefits upon marriage infringe on both the fundamental right to marry and the religious freedom of those who seek to marry for religious reasons.”

“The complaint asks the Social Security Administration to accommodate Ms. Long’s religious beliefs and practices, as well as her fundamental right to marry, by allowing her to marry without losing her
DAC benefits,” said Claudia Center, DREDF’s Legal Director. “We also call on Congress to eliminate these marriage penalties.”
A copy of the Complaint is enclosed with this press release. More information about Social Security marriage penalties can be found on DREDF’s website.

Media Contacts
Ayesha Elaine Lewis
Staff Attorney
Disability Rights Education & Defense Fund
(510) 644-2555 ext. 5255
aelewis@dredf.org

Disability Rights Education and Defense Fund (DREDF), based in Berkeley, California, is a national nonprofit law and policy center dedicated to advancing and protecting the civil and human rights of people with disabilities. Founded in 1979 by people with disabilities and parents of children with disabilities, DREDF remains board- and staff-led by members of the communities for whom we advocate. DREDF pursues its mission through education, advocacy, and law reform efforts, and is committed to increasing accessible and equally effective healthcare for people with disabilities. DREDF supports legal protections for all diversity and minority communities, including the intersectional interests of people within those communities who also have disabilities.