



down the provisions of DoMA which denied federal benefits to legally married, same sex couples.<sup>3</sup> Turning to the current appeal, the Director concluded that, in light of the Court's ruling in *Windsor* and, in light of the fact that appellant has established a valid marriage to his spouse in the State of Vermont appellant is entitled to augmented compensation.

The Clerk of the Board served appellant and his representative with a copy of the Director's motion to reverse and remand. In a response dated August 6, 2013 and received by the Board on August 13, 2013 and in a September 17, 2013 response, appellant's representative concurred in the Director's motion.

The Board has duly considered the matter and concludes that, as the Director has acknowledged the Court's ruling in *Windsor* relative to the unconstitutionality of section 3 of DoMA denying federal benefits to legally married same sex couples, as the Director has requested the Board to reverse its December 27, 2012 decision denying appellant augmented benefits under this unconstitutional section and as, on remand, OWCP will pay augmented compensation to appellant, the Director's motion should be granted. Accordingly,

**IT IS HEREBY ORDERED THAT** the motion to reverse and remand filed by the Director of the Office of Workers' Compensation Programs is granted. The decision of OWCP dated December 27, 2012 is reversed; the case is remanded for further proceedings consistent with this order of the Board.

Issued: November 8, 2013  
Washington, DC

Colleen Duffy Kiko, Judge  
Employees' Compensation Appeals Board

Patricia Howard Fitzgerald, Judge  
Employees' Compensation Appeals Board

Alec J. Koromilas, Alternate Judge  
Employees' Compensation Appeals Board

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<sup>3</sup> See *United States v. Windsor*, 133 S. Ct. 2675 (2013).