Same-sex couples can legally marry, but are they legally entitled to benefits? The Supreme Court of Texas will decide this issue after hearing oral arguments in March of 2017 in Pidgeon v. Turner.

This case started in November of 2013, when the City of Houston announced that it would begin offering benefits such as health insurance to same-sex partners of city employees if the spouses were married in a state that recognized same-sex marriage. This policy was in contradiction with the Texas Family Code, which expressly prohibited the state or any political subdivision from giving effect to a right or claim to any benefit asserted as a result of a marriage between persons of the same sex.

Taxpayers Jack Pidgeon and Larry Hicks, residents of the city of Houston, brought a lawsuit seeking temporary and permanent injunctions prohibiting the city from providing benefits to same-sex spouses of city employees married in other states. While Pidgeon and Hicks were initially successful in getting a trial court to block the city’s plan, the city appealed the decision to the Fourteenth Court of Appeals in Texas.

While Pidgeon was on appeal, the Supreme Court of the United States decided Obergefell v. Hodges, announcing that “same-sex couples may exercise the fundamental right to marry in all States,” and “there is no lawful basis for a State to refuse to recognize a lawful same-sex marriage performed in another State on the grounds of its same-sex character.” Based on the reasoning in Obergefell, the Fourteenth Court of Appeals dissolved the injunction and sent the matter back to the trial court for a decision in line with the new Supreme Court precedent.

In their appeal to the Supreme Court of Texas, Pidgeon and Hicks argue that Obergefell deals only with access to marriage and that it did not extend to spouses of same-sex employees a right to receive taxpayer-funded benefits.

Pidgeon has garnered support through amicus briefs filed by the Texas governor, Texas attorney general, and state senators and representatives.

Key Takeaways

Pidgeon could have far-reaching effects on employers’ obligations to the spouses of employees who are in same-sex marriages. Although this case specifically focuses on a statute that deals with governmental employers, a narrow interpretation of Obergefell by the Supreme Court of Texas could open the door for private employers.
to justify recognizing same-sex marriages but not extend the same benefits to spouses of same-sex employees. Any such ruling would most likely set up an appeal to the Supreme Court of the United States.