Widow Sues FedEx for Refusing to Provide Survivor Benefits Based on Her Same-Sex Spouse’s 26 Years of Service to the Company

(San Francisco, January 14, 2015)—Today, the widow of a longtime FedEx employee sued FedEx for refusing to provide her with federally required spousal pension benefits solely because both spouses were women. Stacey Schuett and Lesly Taboada-Hall were together for 30 years before they married on June 19, 2013. At the time of Taboada-Hall’s death from uterine cancer, she had been an employee of FedEx for more than 26 years and was fully vested in her pension.

Schuett is represented by the National Center for Lesbian Rights (NCLR), Lewis, Feinberg, Lee, Renaker and Jackson, P.C., and the Blinnie Law Office.

FedEx refused to provide the benefits because its pension plan incorporates the federal Defense of Marriage Act (DOMA), even though that law was struck down as unconstitutional by the United States Supreme Court in 2013. As a result of the Supreme Court’s decision, federally regulated retirement plans must recognize the legal marriages of same-sex couples for purposes of survivor benefits.

The couple began dating in 1983. Taboada-Hall was the primary breadwinner while Schuett, who illustrates children’s books, was a stay-at-home mother for their two children. After being diagnosed with cancer in 2010, Taboada-Hall continued to work for FedEx. She married Schuett from a hospital bed in their home in Sebastopol, CA in front of their two children and close family members and friends.

“Lesly gave 26 years to FedEx, and she respected the company. It was a point of pride with her to be an outstanding employee. Our family is still experiencing the extreme pain and grief that comes with the death of a wife and mother,” said Schuett. “FedEx should recognize our family, respect Lesly’s decades of service to the company, and honor Lesly’s intention of providing for us even after we lost her.”

Attorney Nina Wasow, who is representing Schuett, said: “Federal pension law protects same-sex spouses just as it does opposite-sex spouses. Employees who have same-sex spouses deserve the same certainty as others that their hard-earned retirement benefits will be there to protect their families.”

NCLR Legal Director Shannon Minter, who also represents Schuett, added: “FedEx cannot hide behind DOMA to justify its discrimination against Ms. Schuett and her family. The Supreme Court’s decision striking down DOMA made clear that employers must recognize the spouses of their gay and lesbian employees.”

Read the complaint and learn more about the case (http://www.nclrights.org/cases-and-policy/cases-and-advocacy/schuett-v-fedex).