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In Victory for Americans Living in U.S. Territories, Judge Rules Excluding Guam Residents From SSI Benefits is Unconstitutional

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A federal judge on Friday ruled in *Schaller v. U.S. Social Security Administration* case that the exclusion of Guam residents from the federal Supplemental Security Income (SSI) benefits program for the blind, elderly, and disabled constitutes unconstitutional discrimination.

The decision, if upheld on appeal, would mean that Katrina Schaller, a resident of Guam who suffers from a debilitating genetic disorder, would receive the same federal SSI benefits as her twin sister, Leslie, who lives in Pennsylvania and receives \$755/month in SSI payments. Leslie has filed a companion case in Pennsylvania, wanting to be able to visit her family on Guam for more than thirty days or move to Guam without loss of her benefits.

“This important victory highlights both the arbitrariness and the real-world harms when federal laws discriminate against citizens in U.S. territories simply because of where they live,” said Neil Weare, president and founder of Equally American, which advocates for equality and civil rights for the nearly 4 million Americans living in U.S. territories. “No American should have to choose between receiving the benefits they need to survive and being able to live near their family support network. It’s refreshing to see a federal judge rule that this kind of discrimination is not just wrong, but unconstitutional.”

Friday’s ruling adds momentum to a building wave of court decisions ruling that federal laws that discriminate against residents of U.S. territories are unconstitutional. In April, the First Circuit Court of Appeals ruled in *United States v. Vaello Madero* that the SSI law’s exclusion of Puerto Rican residents violated the Constitution, setting up a likely Supreme Court battle between the United States and territorial residents like Katrina Schaller who are denied much-needed SSI benefits simply because of where they happen to live in the United States. The deadline for the United States to appeal the Vaello Madero decision to the Supreme Court is September 7, 2020. The Supreme Court typically grants review when a court decision rules a federal statute unconstitutional.

Friday’s District Court of Guam decision was in the case *Schaller v. U.S. Social Security Administration*, Civil Case No. 18-00044 (D. Guam June 19, 2020).