



Northwest Women's Law Center

Advancing legal rights for women

FOR IMMEDIATE RELEASE

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Court Ruling Entitles Worker to Unemployment Benefits for Leaving Work to Care for Dying Same-Sex Partner

"Immediate Family" in State Law Construed to Include Unmarried Longtime Partner

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SEATTLE, Washington – September 16, 2008 – A Thurston County Superior Court judge has ruled that a worker who had to leave his job to care for his dying partner is entitled to receive unemployment benefits.

The Northwest Women's Law Center and the Unemployment Law Project challenged a state agency's determination that their client, Dean Lake, was ineligible for benefits because his partner of over 12 years was not a member of his "immediate family," as defined by the Employment Security Act. That law provides that one of the reasons an employee may voluntarily leave a job for "good cause" and still collect unemployment benefits is if he or she leaves work "because of the death, illness, or disability of a member of the claimant's immediate family."

Dean Lake and Tony Sisneros had been in a committed relationship for 12 years, owned property together, had joint bank accounts, and were mutually dependent on each other financially. Mr. Lake used all of his available sick and vacation leave to care for Mr. Sisneros, who had terminal brain cancer. Mr. Lake's employer denied him additional leave, so to continue caring for Mr. Sisneros, he was forced to leave his job. Mr. Sisneros passed away in September 2007.

"Our client, Mr. Lake, left his job to care for his partner of 12 years while he was dying of cancer," said Lisa Stone, Executive Director of the Northwest Women's Law Center. "It is unfair and immoral to force people like Mr. Lake who are in stable, long-term relationships – especially couples who are unable to marry – to choose between their economic security and caring for the persons they love during times of illness. Now the

judge has affirmed that it is also illegal and that such partners are equally entitled to unemployment benefits.”

The Employment Security Department’s regulations define “immediate family” broadly to include not just a worker’s spouses and children, but also step-children, foster children, parents of either spouse, and other relatives who temporarily or permanently reside in the same household. The court ruling states that the “immediate family” also includes stable domestic partnerships.

Ross Farr of Ogden Murphy Wallace served as cooperating counsel for the Law Center and the Unemployment Law Project. He argued the case at the September 12 hearing.

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