

SUPREME COURT OF MISSOURI

Glossip v. Missouri Department of Transportation & Highway Patrol
Employees' Retirement System

411 S.W.3d 796 (Mo. banc 2013) · Decided October 29, 2013

SUMMARY

The Missouri Supreme Court upheld the denial of survivor benefits to Kelly Glossip, the unmarried same-sex partner of a deceased highway patrol officer. The Court held that the benefits statute classified claimants by marital status rather than sexual orientation, applied rational-basis review, and was reasonably related to legitimate interests including assisting dependents, controlling costs, and administrative efficiency. The Court also held that the statute was not an unconstitutional special law.

CASE DETAILS

COURT	Supreme Court of Missouri
WRITING FOR THE COURT	Per Curiam; Russell, C.J.; Breckenridge, J.; Draper, J.; Fischer, J.; Stith, J.; Teitelman, J.; Wilson, J.
JURISDICTION	Missouri
DECIDED	October 29, 2013
DISPOSITION	affirmed
PROCEDURAL POSTURE	Glossip appealed from a circuit court judgment dismissing his amended petition with prejudice after the court granted MPERS's motion to dismiss for failure to state a claim and dismissed Glossip's summary-judgment motion as moot.
STANDARD OF REVIEW	De novo review of a dismissal for failure to state a claim; constitutional and standing issues presented pure questions of law.
PRECEDENTIAL VALUE	published precedential opinion of the Supreme Court of Missouri
PARTIES	Kelly Glossip v. Missouri Department of Transportation and Highway Patrol Employees' Retirement System

TOPICS

- equal protection
- rational basis review
- constitutional law
- administrative law
- civil rights

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Glossip had standing to challenge the survivor-benefits statute and the statutory definition limiting spouse to an opposite-sex marriage.
2. Whether the survivor-benefits statute and section 104.012 violated the Missouri Constitution's equal-protection guarantee by discriminating on the basis of sexual orientation.
3. Whether the challenged statutes were subject to rational-basis, intermediate, or strict scrutiny.
4. Whether the survivor-benefits statute was an unconstitutional special law under article III, section 40 of the Missouri Constitution.

HOLDINGS

1. Glossip had standing to challenge section 104.140.3 because he alleged that he was within the class denied benefits and would have been eligible but for the statute's spousal requirement.
2. Glossip lacked standing to challenge section 104.012 because he was not a member of the class of same-sex married persons disadvantaged by that provision.
3. Section 104.140.3 discriminates on the basis of marital status, not sexual orientation, because it denies benefits to unmarried persons regardless of whether the relationship is same-sex or opposite-sex.
4. The survivor-benefits statute is subject to rational-basis review rather than heightened scrutiny.
5. The spousal requirement is constitutional because it is reasonably related to legitimate state interests in assisting persons financially dependent on deceased patrol employees, controlling costs, and promoting administrative efficiency.
6. The survivor-benefits statute is not a special law because its spousal classification is open-ended and reasonably related to legitimate state interests.

KEY QUOTATIONS

“The only decision the Court makes here has nothing to do with the rights of same-sex partners.” (800)

“Instead, the Court merely upholds the General Assembly’s right to award and deny survivor benefits based on whether the claimant was married to the patrolman at the time of death.” (800)

“Rational basis review applies in this case.” (806)

“Because the survivor benefits statute creates an open-ended class, the statute is presumptively constitutional and valid as long as the classification is reasonable.” (809)

FACTUAL BACKGROUND

Corporal Dennis Engelhard, a Missouri State Highway Patrol officer, was killed in the line of duty on December 25, 2009. Engelhard had no children and had been in a same-sex domestic partnership with Kelly Glossip since 1995, but the couple had never married. MPERS denied Glossip survivor benefits under section 104.140.3

because he was not Engelhard's surviving spouse, and Glossip acknowledged that Missouri law did not permit their marriage.

PROCEDURAL HISTORY

After Corporal Dennis Engelhard died in the line of duty, his same-sex domestic partner, Kelly Glossip, applied for survivor benefits under section 104.140.3. MPERS denied the application because Glossip lacked a valid marriage certificate, and the MPERS Board of Trustees denied his administrative appeal. Glossip sought declaratory and injunctive relief in circuit court, alleging equal-protection and special-law violations under the Missouri Constitution. The circuit court dismissed the petition with prejudice, and the Supreme Court of Missouri affirmed.

DISPOSITION

affirmed

CASES CITED

- Lynch v. Lynch, 260 S.W.3d 834, 836 (Mo. banc 2008)
- Beard v. Missouri State Employees' Retirement System, 379 S.W.3d 167, 170 (Mo. banc 2012)
- In re Marriage of Kohring, 999 S.W.2d 228, 231-33 (Mo. banc 1999)
- Weinschenk v. State, 203 S.W.3d 201, 211 (Mo. banc 2006)
- Alderson v. State, 273 S.W.3d 533, 537-38 (Mo. banc 2009)
- United States v. Virginia, 518 U.S. 515, 533 (1996)
- Mississippi University for Women v. Hogan, 458 U.S. 718, 724 (1982)
- Mo. State Medical Ass'n v. State, 256 S.W.3d 85, 87 (Mo. banc 2008)
- Schweich v. Nixon, 408 S.W.3d 769, 773-75 (Mo. banc 2013)
- Ste. Genevieve School District R-II v. Board of Aldermen of Ste. Genevieve, 66 S.W.3d 6, 10 (Mo. banc 2002)
- State v. Young, 362 S.W.3d 386, 396-97 (Mo. banc 2012)
- Silcox v. Silcox, 6 S.W.3d 899, 908 (Mo. banc 1999)
- Lester v. Sayles, 850 S.W.2d 858, 872-73 (Mo. banc 1993)
- United States v. Windsor, United States v. Windsor, 133 S. Ct. 2675, 186 L. Ed. 2d 808 (2013)
- State v. Self, 155 S.W.3d 756, 760-61 (Mo. banc 2005)
- Eisenstadt v. Baird, 405 U.S. 438, 446-47 (1972)
- In re Marriage of Woodson, 92 S.W.3d 780, 783 (Mo. banc 2003)
- Missouri Prosecuting Attorneys & Circuit Attorneys Retirement System v. Pemiscot County, 256 S.W.3d 98, 102 (Mo. banc 2008)
- St. Luke's Episcopal-Presbyterian Hospital v. Underwood, 957 S.W.2d 496, 498 (Mo. App. 1997)
- Committee for Educational Equality v. State, 294 S.W.3d 477, 490 (Mo. banc 2009)
- Lawrence v. Texas, 539 U.S. 558 (2003)

- Department of Agriculture v. Moreno, 413 U.S. 528, 534 (1973)
- Jefferson County Fire Protection Districts Ass'n v. Blunt, 205 S.W.3d 866, 868-71 (Mo. banc 2006)
- Savannah R-III School District v. Public School Retirement System of Missouri, 950 S.W.2d 854, 859 (Mo. banc 1997)
- Harris v. Missouri Gaming Commission, 869 S.W.2d 58, 65 (Mo. banc 1994)

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