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ACLU Urges Konica Minolta Not to Terminate Domestic Partner Health Insurance of 9/11 Survivor

Group's Letter Asks Company to Change Policy Preventing Employees from Providing Health Insurance for Their Partners

Boise, Idaho – Seeking to maintain health insurance for a 9/11 survivor, the American Civil Liberties Union today sent a demand letter to the New Jersey offices of Konica Minolta Business Solutions U.S.A., Inc. (KMBS) urging the company to interpret its policy on domestic partner health insurance so that more employees will have access to the insurance. KMBS currently interprets its policy as requiring employees to re-register as domestic partners with the state every time that they move, even though many states have no way for same-sex partners to do so.

Ralph Martinelli, a district sales manager for KMBS, where he has worked for five years, was told that he would not be able to continue covering his partner when the couple moved from New Jersey to Idaho last year because there is no domestic partner registry in Idaho. Martinelli and his partner, Robert Ryan, have been registered domestic partners in New Jersey since 2005, and KMBS allowed Martinelli to cover Ryan when the couple lived in New Jersey.

“I’m still working at the same company, doing the same job. Why shouldn’t I be able to cover my partner in Idaho like I did in New Jersey? This would never happen to a married couple,” said Martinelli. “Konica wants everyone to think they care about their gay employees, but the way Konica is interpreting its policy is so restrictive that many employees are shut out of the coverage.”

The couple has been paying for COBRA coverage for Ryan since his insurance was cut off in October, 2007, but that coverage is very expensive and ends after 18 months -- in March of 2009. Ryan is working as a seasonal tax preparer and is looking for a full-time position. While he has recovered mostly from the trauma of being in the World Trade Center on 9/11, he still has mental and physical health needs that require regular medical care and expensive medications. Due to the cost of medical insurance, he may have to go without the care he requires if Konica Minolta continues to prevent Martinelli from extending benefits to his partner.

Typically, companies that wish to offer domestic partnership benefits to employees living in states that do not recognize same-sex relationships either accept a marriage, civil union or domestic partnership certificate from another state, or have the employee submit an affidavit attesting to the partnership.

“Konica Minolta wants all the good will that comes with providing domestic partner insurance, but they clearly don’t want to have to provide the benefits. Otherwise they would never be interpreting its policy in such a restrictive way,” said Jack Van Valkenburgh, Executive Director of the ACLU of Idaho. “Companies have been providing domestic partner coverage for many years now. The only possible reason for interpreting the policy the way that Konica does is to make it harder for employees to be able to provide coverage for their partners.”

Martinelli and Ryan moved to Idaho so that Ryan, who experienced mental health trauma as a survivor of the attacks of September 11th, 2001, could find some relief away from the New York metropolitan area. Before he met Martinelli, Ryan managed the insurance licensing division at Morgan Stanley, and was in his office on the 74th floor of the South Tower of the World Trade Center when the first airplane struck the North Tower. While he was evacuating, Ryan became separated from the employees he supervised, and later was trampled by a crowd after the second airplane hit his office building, only four floors above where he was working that morning. After the attack he was unable to work due to the trauma, went on disability for one year, and spent his retirement savings to stay afloat. He met Martinelli in 2004. The two lived in New Jersey and then moved to Idaho, which they enjoy because of its natural beauty and its distance from constant reminders of that traumatic day.

Ed Barocas, Legal Director the ACLU of New Jersey, said, "Underlying all of this is the confusion and mistrust engendered by terms like ‘civil union’ and ‘domestic partnership’ as opposed to 'marriage.' Same-sex couples are asked to prove that their relationships aren’t imaginary every time they move, and employers take advantage of the lack of uniformity to treat people unfairly."

The couple is represented by Sharon McGowan, Staff Attorney for the ACLU Lesbian Gay Bisexual Transgender Project, and Teresa Renaker of the firm Lewis, Feinberg, Lee, Renaker, & Jackson of Oakland, California.

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