

LEGAL DEPARTMENT
LESBIAN GAY
BISEXUAL
TRANSGENDER &
AIDS PROJECT



March 25, 2008

Alan Bennett
Interim Chief Executive Officer
H&R Block
One H&R Block Way
Kansas City, Missouri 64105

Re: Connecticut Civil Unions

Dear Mr. Bennett:

We represent Jason Smith and Settimio Pisu, customers of H&R Block, who attempted to file their Connecticut tax return using H&R Block's online program, TaxCut Online, but could not do so because they are spouses in a civil union. I am writing to bring to your attention – and demand that you cease immediately – H&R Block's unlawful discrimination against individuals in civil unions.

Specifically, Mr. Smith and Mr. Pisu are in a civil union, recognized under the laws of Connecticut. In January, Mr. Smith and Mr. Pisu registered with H&R Block to file their tax returns online. After completing their federal returns, they were directed to a page that read, "Your federal filing status is single. Your Connecticut filing status will be the same unless your Connecticut marital status is different." The website page gave Mr. Smith and Mr. Pisu the option to select the statement, "I am considered married under Connecticut's Civil Union law," which they duly selected. The H&R Block website then brought the men to a page stating that "[w]e don't support Connecticut Civil Union returns." The page explained that the *only* way they would be able to file their tax returns using H&R Block given that they are in a Connecticut civil union was to "work with an H&R Block tax professional," which, in addition to the extra time, would force Mr. Smith and Mr. Pisu to incur "additional charges for this service."

The price estimate provided by the website indicated that H&R Block would charge Mr. Smith and Mr. Pisu \$199.80 for filing their tax returns, simply because the couple is in a civil union. That amount is \$155 higher than the costs for filing through H&R Block's "Premium + State + E-file" online tax service.

Connecticut law, Conn. Gen. Stat. § 46a-81d, provides that:

AMERICAN CIVIL LIBERTIES
UNION FOUNDATION
LESBIAN GAY BISEXUAL
TRANSGENDER &
AIDS PROJECT

PLEASE RESPOND TO:
NATIONAL OFFICE
125 BROAD STREET, 18TH FL.
NEW YORK, NY 10004-2400
T/212.549.2627
F/212.549.2650
WWW.ACLU.ORG/LGBT

SAN FRANCISCO OFFICE:
1663 MISSION STREET
SUITE 460
SAN FRANCISCO,
CA 94103-2400

CHICAGO OFFICE:
180 NORTH MICHIGAN AVENUE
SUITE 2300
CHICAGO, IL 60601-7401

LOS ANGELES OFFICE:
1616 BEVERLY BOULEVARD
LOS ANGELES,
CA 90026-7511

OFFICERS AND DIRECTORS
NADINE STROSSEN
PRESIDENT

ANTHONY D. ROMERO
EXECUTIVE DIRECTOR

RICHARD ZACKS
TREASURER

Mr. Alan Bennett
March 25, 2008
Page 2 of 3

AMERICAN CIVIL LIBERTIES
UNION FOUNDATION

- (a) It shall be a discriminatory practice in violation of this section: (1) To deny any person within the jurisdiction of this state full and equal accommodations in any place of public accommodation, resort or amusement because of such person's sexual orientation or civil union status, subject only to the conditions and limitations established by law and applicable alike to all persons; or (2) to discriminate, segregate or separate on account of sexual orientation or civil union status.

The law continues that violation of this section will result in a fine and/or imprisonment. Conn. Gen. Stat. § 46a-81d(b); *see also* Conn. Gen. Stat. § 46a-100 (private right of action for discriminatory practices).

H&R Block's failure to support online self-filing for taxpayers in civil unions and its imposition of additional charges to file tax returns for taxpayers in civil unions constitute clear discrimination based on civil union status in violation of Section 46a-81d. H&R Block's online program supports the filing of taxes for opposite-sex, married couples in Connecticut at no extra charge. Indeed, it appears that H&R Block's online program supports the self-filing of taxes for married same-sex couples in Massachusetts.

Connecticut's civil union law is written to ensure that "[p]arties to a civil union shall have all the same benefits, protections and responsibilities under law...as are granted to spouses in a marriage." Conn. Gen. Stat. § 46b-38nn. By differentiating couples in civil unions from married couples, and penalizing couples in civil unions, H&R Block is acting in express contradiction of that purpose.

We therefore demand that H&R Block cease immediately this discrimination against taxpayers in civil unions. In particular, we demand that H&R Block provide online support for self-filing of state tax returns by taxpayers in civil unions. Such support must be provided at no additional charge to H&R Block's customers. In addition, H&R Block should reimburse all customers in civil unions who have already paid the additional charges unlawfully imposed upon them in order to file their state tax returns.

We hope that H&R Block will end this discriminatory practice and ensure that taxpayers in civil unions will not face any further burdens in filing

Mr. Alan Bennett
March 25, 2008
Page 3 of 3

their 2007 tax returns. If you have any questions, or want to discuss H&R Block's plans to rectify and remediate this discrimination, please contact me at (212) 549-2605 or by e-mail at lgbt_rs@aclu.org.

Sincerely,

Rebecca Shore

Rebecca C. Shore
Staff Attorney

AMERICAN CIVIL LIBERTIES
UNION FOUNDATION

cc: Carol Graebner, Esq.
(H&R Block Executive Vice President and General Counsel)

Andrew Schneider
(American Civil Liberties Union of Connecticut)