



**Australian Government**

---

**Defence Honours and Awards Appeals Tribunal**

**APPEAL OF KENNETH HULTON BALLINGER INTO HIS  
ELIGIBILITY FOR THE DEFENCE MEDAL**

**Decision:**

The decision of the Directorate of Honours and Awards of the Department of Defence that Kenneth Hulton Ballinger is not eligible for the award of the Defence Medal is affirmed.

**Date of Decision:**

2 June 2011

**Tribunal:**

For the purpose of this appeal the Tribunal was constituted by Dr Jane Harte.

## REASONS FOR DECISION

### Introduction

1. The Defence Honours and Awards Appeals Tribunal (the Tribunal) is established under the *Defence Act 1903*. Its functions are set out in s 110UA of the Act. Those functions include reviewing a decision refusing to recommend a person or group of persons for a defence award. After conducting an inquiry, the Tribunal may make a decision affirming the original decision, substituting a new decision or referring the matter to a person for reconsideration.
2. Mr Kenneth Hulton Ballinger (Mr Ballinger) was a member of the Royal Australian Air Force (RAAF) from 20 September 1942 to 18 September 1945.
3. On 15 March 1995, Mr Ballinger wrote to the Discharged Personnel Records Office of Air Force<sup>1</sup>, requesting an assessment of his medal entitlements. Their reply on the 27 April 1995 indicated that he was eligible for the 1939-45 Star, Pacific Star (each of which he already had been awarded) in addition to the War Medal 1939-45, Australia Service Medal 1939-45 and the Returned from Active Service Badge.
4. Having received the medals described above, Mr Ballinger again wrote to the Discharged Personnel Records Office of Air Force on the 26 September 1995 to enquire as to his eligibility for the Defence Medal. Their reply on the 17 October 1995 indicated that Mr Ballinger was not eligible for the Defence Medal as he had not completed the requisite non-operational service in the Northern Territory.
5. On 10 March 1998 Mr Ballinger wrote to the Directorate of Honours and Awards (the Directorate) requesting issue of the Defence Medal. Their reply on the 2 July 1998 affirmed that Mr Ballinger was not eligible for the Defence Medal as he had not completed the requisite service. Mr Ballinger wrote again to the Directorate on 11 May 2008 and a response, dated 29 June 2008 reaffirmed earlier responses.
6. On 2 April 2009 Mr Ballinger again wrote to the [now defunct] Discharged Personnel Records Office of Air Force to query his eligibility for the Defence Medal. The letter was returned to him after which he redirected it to the Tribunal, where it was received on the 8 May 2009.
7. The same letter was also received by the Directorate who wrote to Mr Ballinger on the 21 January 2010 in response stating that he was not eligible for the Defence Medal.
8. Having received the 2 April 2009 letter on 3 May 2009, the Tribunal responded to Mr Ballinger on 21 May 2010 advising that the Tribunal had only just received administrative authority to review individual cases and to seek confirmation from Mr Ballinger that he still wished the Tribunal to undertake a review of his case.

---

<sup>1</sup> Before the initiation of the Defence Honours and Awards Directorate, this was the medals awards authority of personnel previously and then currently serving in the Royal Australian Air Force.

9. Mr Ballinger's response was received on 3 June 2010 and confirmed that he wished the Tribunal to pursue the matter on his behalf. On 10 June 2010 the Tribunal acknowledged this letter and accepted Mr Ballinger's case as an appeal.

10. The Tribunal's role was to conduct a merit review of the Directorate's decision and consider Mr Ballinger's application afresh in regard to his eligibility for the Defence Medal.

### **Steps taken in the conduct of this review**

11. On 10 June 2010 the Tribunal wrote to the Directorate advising of Mr Ballinger's review application and inviting it to make a submission to the Tribunal and to provide any material on which it sought to rely. A written submission was received from the Directorate on 21 July 2010.

12. Mr Ballinger was subsequently interviewed by telephone on 27 September 2010.

13. Finally, the Tribunal met with the Director of Honours and Awards on 29 October 2010.

### **The Defence Medal**

14. According to the *Summary of the Conditions of Award of the Campaign Stars, the Defence Medal and the War Medal for service in the War 1939-1945*<sup>2</sup> paragraph 101:

*So far as members of the Australian Forces are concerned the Defence Medal is granted:*

*(a) to members serving for six months in non-operational areas subjected to enemy air attack, or loosely threatened, subject to (b) below. The specified areas, [include]:*

*(b) to members who served for six months in the aggregate at any time between 3 September 1939 and 2 September 1945 in the Northern Territory north of 14°30' South and the Torres Strait Islands, provided they were not ordinarily resident in those areas prior to 3 September 1939. If they were ordinarily resident in either area the respective qualifying period will be three years;*

*(c) for twelve months' non-operational service in the Forces overseas from or outside Australia;*

*(d) to members of Mine and Bomb Disposal units of the Forces employed in the areas mentioned ... for three months within the periods stated.*

---

<sup>2</sup> *Commonwealth of Australia - Summary of the Conditions of Award of the Campaign Stars, the Defence Medal and the War Medal for service in the War 1939-1945*, Issued by the authority of the Hon John J Dedman MP, Minister of State for Defence, December 1948.

15. The Tribunal notes that the eligibility criteria clearly state that the award of the Defence Medal is for non-operational service for a period of six months in a defined area of the Northern Territory and the Torres Strait, between 3 September 1939 and 2 September 1945, or for twelve months' non-operational service overseas.

### **Defence records of Mr Ballinger's service**

16. Defence records of Mr Ballinger's service in the RAAF show the following:

- (a) He enlisted as an Airman on 30 September 1942 into the category of Plant Operator and discharged as a Leading Aircraftman on the 18 December 1945.
- (b) After completing training in Queensland and New South Wales, Mr Ballinger was posted to 14 Mobile Works Squadron (14MWS) on 28 February 1944 during which time it was relocating to Darwin.
- (c) Mr Ballinger subsequently served in Darwin in the Northern Territory, north of parallel 14°30` south latitude between 15 March 1944 and 24 April 1944, totalling 41 days. At that point the 14MWS departed for the northern coast of Western Australia, disembarking at Drysdale en route to Air Base Truscott, where 14MWS was renamed 14 Airfield Construction Squadron (ACS).
- (d) On 18 August 1944, the 14ACS departed Drysdale and sailed for Hollandia in Dutch New Guinea<sup>3</sup>, disembarking on 31 August 1944. From Hollandia, Mr Ballinger was moved to Morotai on the 27 September 1944 as part of the third echelon of 14ACS. In total, he served outside Australia in operational areas of the South West Pacific region from 18 August 1944 to 23 September 1945.
- (e) For his service in the RAAF, Mr Ballinger has been awarded the 1939-45 Star, Pacific Star, War Medal 1939-45, Australia Service Medal 1939-45 and the Returned from Active Service Badge.

### **The argument of Mr Ballinger**

17. In his correspondence, Mr Ballinger has been seeking the award of the Defence Medal on the basis of his service in New Guinea, Morotai and Balikpapan. This was confirmed during his telephone interview.

### **Summary of the arguments of the Directorate**

18. In its submission of 21 July 2010, the Directorate confirmed Mr Ballinger's service records, including his visit to Darwin between 15 March 1944 and 25 April 1944. Although service in Balikpapan does not appear on Mr Ballinger's record, the

---

<sup>3</sup> Now the Irian Jaya capital of Jayapura

Directorate concluded that it was likely that he was detached there whilst on attachment with 14 ACS in Morotai.

19. Mr Ballinger's service in New Guinea, Morotai and Balikpapan is therefore not disputed. However, the Directorate point out that service in these areas is classified as operational. Testament to this is the award of the operational medals, the 1939-1945 Star and the Pacific Star, as well as the Returned from Active Service Badge, to Mr Ballinger for this service.

### **The Tribunal's findings**

20. There is no dispute that Mr Ballinger served on active service in the South West Pacific area during World War II. This service, however, is not categorised as eligible for the award of the Defence Medal. For his service, Mr Ballinger has been awarded the appropriate campaign stars and war medals.

21. Mr Ballinger did serve in the non-operational area of the Northern Territory between 3 September 1939 and 2 September 1945 north of 14°30' south (namely, in this case, Darwin), however this service which totalled 41 days does not meet the six months' eligibility criterion stated in the regulations.

### **DECISION**

22. The decision of the Directorate that Kenneth Hulton Ballinger is not eligible for the award of the Defence Medal is therefore affirmed.