



Australian Government

Defence Honours and Awards Appeals Tribunal

Ashworth and the Department of Defence [2015] DHAAT 49 (14 December 2015)

File number (s) 2014/072

Re **Squadron Leader Chaplain, The Reverend George Ashworth, OAM, RFD (Retd)**
Applicant

And **Department of Defence**
Respondent

Tribunal Brigadier M. Bornholt, AM (Retd) (Presiding Member)
The Hon Mr P. Lindsay

Hearing Date 11 December 2015

DECISION

On 14 December 2015 the Tribunal decided to affirm the decision of the Directorate of Honours and Awards of the Department of Defence that Squadron Leader Chaplain, The Reverend George Ashworth, OAM, RFD (Retd) is not eligible for the award of the Republic of Vietnam Campaign Medal.

CATCHWORDS

DEFENCE AWARDS – refusal to recommend the award of the Republic of Vietnam Campaign Medal

LEGISLATION

Defence Act 1903 – ss 110T, 110V(1), 110VB(2)

Joint General Staff of the Republic of Vietnam Armed Forces (RVNAF) Directive, Pertaining to awarding of Campaign Medal HT.655-430 – dated 1 September 1965

Republic of Vietnam Armed Forces (RVNAF) Order No. 183 Pertaining to the conferral of the Vietnamese Campaign Medal on Australian Military Forces – dated 31 August 1966

REASONS FOR DECISION

Introduction

1 The applicant, Squadron Leader Chaplain, The Reverend George Ashworth, OAM, RFD (Reverend Ashworth) seeks review of the decision of the Directorate of Honours and Awards of the Department of Defence (the Directorate) that he is not eligible for the award of the Republic of Vietnam Campaign Medal (RVCM). Reverend Ashworth served in Ubon, Thailand from 2 December 1965 to 24 March 1966 before he was repatriated via Butterworth, Malaysia to Australia. During his time in Ubon he was detached for temporary duty to Vietnam to provide chaplaincy services in Vung Tau from 11 – 27 December 1965, and Saigon from 1 – 15 February 1966.

2. On 25 June 2009 Reverend Ashworth wrote to the Directorate seeking the award of the Vietnamese Campaign Medal (VCM). On 14 July 2009, the Directorate advised Reverend Ashworth that as he had not been wounded-in-action he was not deemed to be a 'Battle Casualty' and was therefore not eligible for the VCM.¹

3. On 21 March 2014 Reverend Ashworth made a further application to the Directorate for the award of the 'South Vietnam Government service award'. He based his entitlement on his belief that 'the Letters Patent' for the award allowed for qualification where a serviceman served for a period of less than six months 'if repatriated due to wounds or illness suffered during such service irrespective of whether it was by enemy action or not'. He stated that he was 'medically evacuated from my Vietnam – Ubon posting following a stroke due to the heavy pastoral role I carried'.²

4. On 19 May 2014 the Directorate advised Reverend Ashworth that the award he was seeking was the RVCM however, as he did not complete the minimum requirement of 181 days service and was not 'wounded-in-action (classified as a Battle Casualty) ... and evacuated as a result of those wounds', he could not be recommended for the RVCM.³

5. Reverend Ashworth made application to the Tribunal for review of the Directorate's decision on 3 June 2014, claiming that he was basing his application on information supplied by the Victorian Branch of the Air Force Association.⁴

Tribunal Jurisdiction

6. Pursuant to s110VB(2) of the *Defence Act 1903* (the Defence Act) the Tribunal has jurisdiction to review a reviewable decision if an application is properly made to the Tribunal. The term *reviewable decision* is defined in s110V(1) of the Defence Act and includes a decision made by a person within the Department of Defence to refuse to recommend a person for a defence or foreign award in response to an application. The term *foreign award* is defined in s110T of the Defence Act as

¹ DHA 0315515 dated 14 July 2009 – Folio #61

² Ashworth letter dated 21 March 2014 – Folio #2

³ DHA 0315515 dated 19 May 2014 – Folio #3

⁴ Ashworth letter dated 3 June 2014 – Folio #1

an honour or award given by a government of a foreign country, or by an international organisation. The RVCМ was instituted on 12 May 1964 by the Government of the Republic of Vietnam (GVM). On 24 June 1966 Her Majesty the Queen granted unrestricted approval for members of the Australian armed forces to accept and wear the RVCМ.⁵ The RVCМ is a foreign award approved by the Queen and accordingly, the Tribunal has jurisdiction to review decisions in relation to this award. The role of the Tribunal is to determine whether the decision of the Directorate is the correct and preferred decision having regard to the applicable law and the relevant facts.

Steps taken in the conduct of the review

7. In accordance with the *Defence Honours and Awards Appeals Tribunal's Procedural Rules* 2011, on 10 July 2014 the Tribunal wrote to the Secretary of the Department of Defence advising him of Reverend Ashworth's application for review and seeking a report on the reasons for the original decision and the provision of relevant material that was relied upon in reaching the decision.⁶ On 5 September 2014 the Directorate, on behalf of the Secretary, provided the Tribunal with the Defence submission in the form of a written report.⁷ The Tribunal forwarded a copy of the Directorate's written submission to Reverend Ashworth for comment which he provided on 20 September 2014.⁸

8. Concurrently with Reverend Ashworth's application, the Australian Government directed and the Tribunal completed the *Inquiry into Eligibility for the Republic of Vietnam Campaign Medal* (the first Inquiry)⁹. As a result of the first Inquiry, the Tribunal recommended to the Australian Government that no action be taken to change the criteria for the award of the RVCМ. Subsequently, in November 2014 the Government directed a further inquiry into the *Feasibility of Amending the Eligibility Criteria for the Republic of Vietnam Campaign Medal* (the second Inquiry)¹⁰.

9. The Tribunal advised Reverend Ashworth on 21 November 2014 that it wished to hold over his review until the second Inquiry had been completed.¹¹ On 18 September 2015 the Australian Government announced that it had accepted the recommendation of the second Inquiry that it did not have the legal ability to amend the eligibility criteria for the RVCМ. Reverend Ashworth was advised of this outcome by the Tribunal and on 24 September 2015, he indicated that he wished to proceed with the review.¹²

10. The Tribunal met on 23 October 2015 and considered the material provided by Reverend Ashworth and the Directorate. Reverend Ashworth was subsequently

⁵ Cable, London to Canberra, 24 June 1966, NAA:3111, 1966/3374

⁶ DHAAT/OUT/2014/797 dated 10 July 2014 – Folio #5

⁷ DHA 2014/1154632/1 dated 5 September 2014 – Folio #6

⁸ Ashworth letter dated 20 September 2014 – Folio #66

⁹ Report of the *Inquiry into Eligibility for the Republic of Vietnam Campaign Medal* dated 24 March 2014

¹⁰ Report of the *Inquiry into the Feasibility of Amending the Eligibility Criteria for the Republic of Vietnam Campaign Medal* dated 25 June 2015

¹¹ DHAAT/OUT/2014/1148 dated 21 November 2014 – Folio #128

¹² Ashworth letter dated 24 September 2014 – Folio #165

invited to give oral evidence (by telephone) to the Tribunal which he did on 11 December 2015 at a hearing also attended by the Respondent.

The Republic of Vietnam Campaign Medal

11. In May 1964 the GVM established its campaign medal for the Vietnam War.¹³ The medal, (known in Australia as the RVCM) was for all military personnel of the Republic of Vietnam Armed Forces (RVNAF) who had 12 months service in the field and for allied soldiers assigned to the Republic of Vietnam who had 6 months service. In September 1965 the Joint General Staff of the RVNAF issued a Directive setting out the eligibility criteria for the RVCM.¹⁴

12. In May 1966, the GVM offered the medal to Australian servicemen. In considering whether or not to accept the medal, the Australian Government received advice that as the conditions for the award of the RVCM required six months service, this created sufficient differentiation to the conditions for Australia's Vietnam Medal and accordingly, they supported acceptance of the award.¹⁵ The offer from the GVM was subsequently accepted by the Australian Government and on 24 June 1966, Her Majesty The Queen granted unrestricted approval for members of the Australian armed forces to accept and wear the RVCM.¹⁶

13. RVNAF Order No. 183 dated 31 August 1966 delegated authority to determine eligibility criteria for the award of the RVCM to Australian authorities in accordance with the conditions set out in the September 1965 Directive.¹⁷ On 22 March 1966 the GVM amended Article Three of the original Directive for the award of the RVCM.¹⁸ The Directive, as amended states:

...

Chapter 1 : Eligibilities

Article 1: *All military personnel of the RVNAF who have 12 month service in the field during war time, may claim for Campaign Medal award.*

Article 2: *The RVNAF personnel, who don't possess the eligibilities prescribed in Art.1, but happen to be under one of the following circumstances, are qualified for Campaign Medal award:*

- *WIA (wounded-in-action)*
- *Captured in action by enemies or missing while performing his missions, but released later, or an escape has taken place.*

¹³ GVM Decree No.149/SL/CT dated May 12, 1964 creating 'Campaign Medal'

¹⁴ Joint General Staff of the RVNAF Directive, Pertaining to awarding of Campaign Medal HT.655-430 – dated 1 September 1965

¹⁵ The Vietnam Medal is the Australian campaign medal for the war instituted by Royal Warrant on 8 June 1968 and required one day of service on land, one operational sortie or 28 days on inland waters or off the coast of Vietnam.

¹⁶ Cable, London to Canberra, 24 June 1966, NAA:3111, 1966/3374

¹⁷ RVNAF Order No. 183 Pertaining to the conferral of the Vietnamese Campaign Medal on Australian Military Forces – dated 31 August 1966

¹⁸ Cable 882, Australian Embassy, Saigon, to Canberra, 13 July 1966

- *KIA or die while performing a mission entrusted*

The above anticipated cases must take place during the war.

Article 3: *Foreign military personnel serving in South Vietnam for six months during wartime and those serving outside the geographic limits of South Vietnam and contributing direct combat support to the RVNAF for six months in their struggle against an armed enemy will also be eligible for the award of the Campaign Medal.*

Foreign authorities will determine eligibility of their personnel for this award, Foreign military personnel are also entitled to this award under the special conditions provided for in Article Two of this Directive.

...

14. On 16 September 1966 the Secretary of the Department of Defence wrote to the Secretaries of the Departments of the Navy, Army and Air Force setting out the criteria for the award of the RVCN.¹⁹ The memorandum included the amended Article Three and stated that conditions for the grant of the award of the RVCN would require:

- (a) *'Special service' (as defined by the Repatriation (Special Overseas Service) Act) of a minimum of six months duration, either continuous or aggregated, in Vietnam with retrospective effect to 31 July 1962;*
- (b) *'Special service' in Vietnam of less than six months duration since 31 July 1962 if:*
 - (i) *killed on active service or wounded-in-action and evacuated,*
 - (ii) *captured and later released or escaped.*

15. Some of these criteria were reiterated in Navy, Army and Air Force instructions and orders between 1966 and 1970 although these documents appear to have not included the amended Article Three of the source 1965 Directive. A subsequent review by the Department of Defence in 1997 established the cut-off date for the award of the RVCN to be 28 March 1973.²⁰ The GVM ceased to exist in 1975.

16. The first Inquiry was commenced in 2013 to report on the application of the eligibility criteria for the RVCN over time; identify unresolved issues with the application of the criteria and review how future claims for the award should be administered. The first Inquiry recommended that no action be taken to change the criteria, that Defence amend its interpretation of 'wounded-in-action' to include psychological injury and that assessments of claims for the award continue, cognisant of the first two recommendations. In relation to psychological injury the recommendation was that the interpretation of 'wounded-in-action' be amended to include:

¹⁹ Memo, Secretary, Department of Defence 'Vietnamese Campaign Medal' dated 16 September 1966

²⁰ HQ ADF PPP486/97 'Extension of Eligibility for the RVCN Campaign Medal' dated 11 March 1997

'psychological injury under the following conditions:

- *the injury would need to be incurred as a result of enemy action;*
- *the injury would need to be noted on the member's medical records at the time; and*
- *the casualty would need to be evacuated from the operational theatre as a result of this particular injury.'*

17. The Government accepted the second and third recommendations and directed that a second Inquiry be conducted to determine if it had the legal authority to amend the eligibility criteria for the RVCM given the GVM had ceased to exist in 1975. The second Inquiry was completed in September 2015 and recommended that the eligibility criteria not be amended as the Australian Government did not have the legal authority to do so. This recommendation was accepted by Government.

18. The eligibility criteria for the RVCM therefore remains anchored by the Joint General Staff of the RVNAF September 1965 Directive as amended, to include conditions relating to service outside the geographic limits of South Vietnam, the contribution of direct combat support, the additional conditions imposed by the Secretary's memorandum of September 1966 and informed by the recommendation of the first Inquiry as it relates to considerations of those suffering from psychological injury.

Reverend Ashworth's Service Record

19. Reverend Ashworth was appointed on a short service commission as a Chaplain in the Royal Australian Airforce (RAAF) on 15 August 1961 having previously served in the Citizens Military Force from 30 August 1955 to 13 April 1956. He was nominated by the Principal Air Chaplain for a six month tour of duty at Ubon, Thailand from 1 December 1965 and his service record indicates that he arrived on attachment to the RAAF Contingent Ubon from Base Squadron East Sale on 2 December 1965.²¹

20. Reverend Ashworth's service record indicates that he provided chaplaincy services in Vung Tau and Saigon, Vietnam from 11 December 1965 to 23 December 1965. His service record indicates that he provided support to the RAAF Transport Flight during his deployment before returning to Ubon via Bangkok on 24 December 1965.²² He once again deployed to Vietnam from 1 February 1966 to 15 February 1966 before returning to Ubon on 17 February 1966.²³

21. Reverend Ashworth's medical records indicate that he attended the Ubon Medical facility at 0945 hours on 23 March 1966 complaining of 'light headedness, being drowsy, having breathing difficulties and suffering pins and needles'²⁴. During the examination by the resident doctor he became semi-conscious. The doctor made a preliminary diagnosis of 'possible Transient Cerebral Ischemia'. Reverend Ashworth

²¹ RAAF Contingent Ubon *Personnel Occurrence Report 52/65* dated 3 December 1965 – Folio #27

²² *Ibid.* 1/66 dated 4 January 1966 – Folio #28

²³ *Ibid.* 14/66 dated 9 March 1966 – Folio #32

²⁴ Inpatient Clinical Record - Cover Sheet Form PM110 and PM111 – entries dated 23 and 24 March 1966 – Medical Record Extracts pages 33-38.

was evacuated from Ubon to No.4 RAAF Hospital in Butterworth, Malaysia on 24 March 1966. His medical records indicate that the doctor at Butterworth noted that he had improved considerably and was considered 'well' by 13 April 1966. The doctor considered the original diagnosis 'doubtful' but ordered him to be returned to Australia for further assessment.²⁵ Reverend Ashworth was repatriated back to Australia on an RAAF aeromedical evacuation flight on 17 April 1966.²⁶

22. Reverend Ashworth's short service commission tenure was completed on 31 December 1966 and he was transferred to the RAAF General Reserve on 1 January 1967 where he continued to serve until reaching retirement age on 15 March 1979. For his service in the RAAF Reverend Ashworth has been awarded the:

- Australian Active Service Medal 1945-75 with Clasps 'VIETNAM' and 'THAILAND',
- Vietnam Medal,
- Reserve Force Decoration, and
- Australian Defence Medal,
- Returned from Active Service Badge

Reverend Ashworth's Submission

23. Reverend Ashworth stated that his application for the RVCM is based on information supplied by the Victorian Branch of the Air Force Association. He stated that the advice indicated that to receive the RVCM, Australian servicemen would qualify provided they had served not less than six months on active duty in South Vietnam or:

*'for a lesser period if repatriated due to death, wounds or illness suffered during such service (irrespective of whether it was caused by enemy action or not.)'*²⁷

24. He indicated that he had been medically evacuated from "my Ubon-Vung Tau posting" due to a Cerebral Ischemia caused by his heavy load of duties.²⁸ He indicated that he was granted a disability pension and gold card on his retirement 'as a result of this illness'.

25. Reverend Ashworth also provided extracts from a book he had authored describing his experiences in delivering chaplaincy services to the RAAF.²⁹ Chapter 11 of this book describes his physical condition after his return to Ubon following his second detachment to Vietnam in February 1966. The book states that:

²⁵ Inpatient Clinical Record - Cover Sheet Form PM110 and PM111 – entry dated 13 April 1966 – Medical Record Extracts pages 11-12

²⁶ Unit History Sheet 2/106 entry dated 17 April 1966 – Folio #36.

²⁷ Ashworth letter dated 24 March 2014 – Folio #2

²⁸ Ashworth letter dated 3 June 2014 – Folio #1

²⁹ "A Ministry in the RAAF", Squadron Leader Chaplain, The Reverend George G. Ashworth, OAM, RFD, Trailblazer Ministries, 2011

*'...I returned to Ubon completely exhausted and at breakfast next morning one or two of my fellow officers commented on my appearance...'*³⁰

26. He recalls that this resulted in his Commanding Officer suggesting that he report to the Doctor and during this consultation with Doctor Dyer at 0900 hours, he (Ashworth) 'grasped the left side of my head and lapsed into unconsciousness'. He stated that he regained consciousness at about 1420 hours, was completely paralysed from the neck down and could not move at all. He stated that after a few more hours, movement returned to his whole body and by then actions had been commenced to evacuate him from Ubon to the RAAF Base Butterworth hospital. He stated that after further examinations in Butterworth it was decided that he would be medically evacuated back to Australia. In chapter 12 he describes being examined by a Neurological specialist on his return who explained to him that he had suffered Cerebral Ischemia. The specialist told him '...what happened was a bubble in the artery leading to the brain cut off the blood supply to the brain, causing a state of unconsciousness and the ultimate paralysis...'

27. During his oral evidence, Reverend Ashworth confirmed that it was his belief, based on the advice he had received from the Air Force Association that his entitlement to the RVCMB was established because he had been repatriated as a result of an illness he suffered whilst deployed and that he met the 'irrespective of whether it was caused by enemy action or not' caveat. He indicated that in his view his stroke had been caused by the stress of his pastoral duties during his deployment. He stated that his disability pension was granted for ischemia as a result of service and that he therefore believed that as it was accepted as service related by the Department of Veterans' Affairs then it should also be applied to his medallic recognition.

The Directorate's Submission

28. The Defence submission, dated 5 September 2014, indicates that a delegation for the RVCMB does not exist and that the award is managed under extant administrative practices. The submission relies upon Military Board Instruction (MBI) 102-4 to establish eligibility criteria for the award. The submission states that the qualifying conditions are:

'To qualify for the award a member must be allotted for 'Special Service' in Vietnam as defined by MBI 216-1, and one of the following;

- a. Must serve in Vietnam for a minimum period, either continuous or aggregated, of 181 days from 31 Jul 62 inclusive to a future date,*
- b. Have served in Vietnam for a period of less than 181 days from 31 Jul 62 to a future date if:*
 - (1) Killed on active service.*
 - (2) Wounded-in-action (i.e. classified as a Battle Casualty in a NOTICAS signal vide MBI 38-1.*

³⁰ The Tribunal notes that Reverend Ashworth actually returned to Ubon on 17 February 1966 and his medical records indicate that he presented to the Base Medical Facility on 23 March 1966, not "the next morning" as stated in the book.

(3) Captured and later released or escaped.'

29. The submission confirms Reverend Ashworth's deployment dates and states that he completed 28 eligible days of service towards the RVCM. The submission confirms the two previous decisions of 14 July 2009 and 19 May 2014 that as he did not complete 181 days of service in Vietnam from 31 July 1962 and because he was 'not wounded-in-action (i.e. classified as a Battle Casualty in a NOTICAS signal vide MBI 38-1)' then he was not eligible for the RVCM.

The Tribunal's Consideration

30. The Tribunal carefully considered all the material placed before it. In the hearing with Reverend Ashworth he confirmed the accuracy of his service records, and that he was correctly recorded as being based in Ubon, Thailand from 2 December 1965 to 24 March 1966. His service records confirm that whilst posted to Ubon he was twice deployed as an attachment to the strength of RAAF Transport Flight Vietnam for a period of 28 days in total to provide chaplaincy services to the deployed force.

31. The Tribunal noted that the Directorate had relied upon MBI 102-4 as the basis for its decision to deny Reverend Ashworth's entitlement. The Tribunal considered that Military Board Instructions were not applicable in this matter as they relate to Army service.

32. As Reverend Ashworth was a RAAF officer, Air Board Orders (ABO) should have been applied to his assessment. ABO A5/30 dated 7 October 1968 states that qualifying service for the RVCM for RAAF personnel was:

' ...

6. ...completion of a minimum of six months, either continuous or aggregated, while on the posted or attached strength of a unit or formation in South Vietnam for the purpose of assisting the South Vietnamese and RVNAF to fight against armed aggression.

7. The requirement for six months service may be waived where a member's period of qualifying service is curtailed because of being killed in action, wounded-in-action and evacuated, or captured and later released or escaped.³¹

' ...'

33. The Tribunal further noted that neither the ABO nor the MBI included the amendment to Article Three of the source Directive. As previously discussed, the Tribunal considered that as the RVCM is a foreign award, a more appropriate authority for eligibility was the Joint General Staff of the RVNAF Directive³² as amended, and read in conjunction with the Secretary of the Department of Defence's

³¹ Air Board Order A5/30 Issue No.156 'RVCM Award for Service in South Vietnam Between 31 July 1962, and a Date to be Determined', dated 7 October 1968

³² Joint General Staff of the RVNAF Directive, Pertaining to awarding of Campaign Medal HT.655-430 - dated 1 September 1965

memorandum of 16 September 1966³³. The two documents when read together also address the issue of the provision of direct combat support from outside the geographical limits of South Vietnam – which is not addressed in the MBI or ABO.

34. The Tribunal reviewed whether Reverend Ashworth's service in Ubon could be considered under the auspices of 'the provision of direct combat support from outside the geographical limits of South Vietnam'. In so doing the Tribunal reviewed the findings and recommendations of the *Inquiry into Unresolved Recognition Issues for RAAF Personnel who Served at Ubon Between 1965 and 1968*.³⁴ The Tribunal noted that this Inquiry recommended and the Government accepted that personnel who qualified would be entitled to the Vietnam Logistic and Support Medal (VLSM). The Tribunal noted that Reverend Ashworth had qualified for the VLSM however he was precluded from being awarded the medal as he was already the recipient of the Vietnam Medal.³⁵

35. The Tribunal discussed 'direct combat support' with Reverend Ashworth during the hearing and indicated to him that pastoral services could not be considered to be direct combat support to the battlefield. The Tribunal indicated that direct combat support would normally be considered to be the provision of physical battlefield effects such as fighter ground attack or naval bombardment. Relying on the first Inquiry's report, the Tribunal determined that Reverend Ashworth's service in Ubon could not be considered to be the provision of direct combat support to the battlefield in Vietnam³⁶.

36. The Tribunal noted that in making his application for the RVCN, Reverend Ashworth had relied upon advice from the Victorian Branch of the Air Force Association which indicated that to receive the RVCN, Australian servicemen would qualify with less than six months service if they were:

*'...repatriated due to death, wounds or illness suffered during such service irrespective of whether it was caused by enemy action or not...'*³⁷

37. Prior to the hearing, the Tribunal asked Reverend Ashworth to provide a copy of the letter he had quoted from which provided this advice.³⁸ During the hearing, Reverend Ashworth stated that the advice was provided to him some time ago and that he was unable to find the letter. The Tribunal discussed the actual Directive as amended and the Secretary's Memorandum with Reverend Ashworth and pointed him to the other multiple sources including orders and instructions which contradict the Air Force Association's advice. Reverend Ashworth noted this advice and apologised for the fact that he was acting on this advice as it now appeared to be incorrect.

³³ Memo, Secretary, Department of Defence 'Vietnamese Campaign Medal' dated 16 September 1966

³⁴ Report of *Inquiry into Unresolved Recognition Issues for RAAF Personnel who Served at Ubon Between 1965 and 1968* dated 18 February 2011, accessed via <https://defence-honours-tribunal.gov.au/wp-content/uploads/2014/01/Ubon-full.pdf>

³⁵ *Commonwealth of Australia Gazette NoS79* dated 10 March 1993 Reg 4(3) stipulates that '...a person who has been awarded the Vietnam Medal ... is not eligible for the VLSM'.

³⁶ Report of the *Inquiry into Eligibility for the Republic of Vietnam Campaign Medal* dated 24 March 2014, paragraph 59 – Folio #96

³⁷ Ashworth letter dated 24 March 2014 – Folio #2

³⁸ Ashworth Letter dated 20 September 2014 – Under cover of letter dated 26 November 2015 – See email Chalker/Presiding Member dated 4 December 2015

38. The Tribunal considered that the key issue in Reverend Ashworth's submission was whether or not his injury, whilst apparently accepted as service related for veteran's entitlements purposes, could also be classified as satisfying the requirement that he was 'wounded-in-action' leading to evacuation. In considering this proposition, the Tribunal reviewed Reverend Ashworth's medical records.

39. Reverend Ashworth's medical records confirm that he first presented with the injury/illness on 23 March 1966 to the Base Medical Facility in Ubon. According to his medical records, the initial preliminary diagnosis of 'transient cerebral ischemia' was never actually confirmed. The admission sheet to 4 Hospital in Butterworth on 24 March 1966 did not indicate that the injury was a result of a wound. A professional opinion provided by Group Captain I. Game, a specialist consultant Neurologist on 28 April 1966 stated that:

'...this episode was most likely one of cerebral circulatory insufficiency'.³⁹

40. The Tribunal therefore found that the injury/illness could not be attributed to special service in Vietnam as he was not 'wounded-in-action and evacuated'. Relying on his own statements and the medical and service records, the Tribunal found that Reverend Ashworth was evacuated from Ubon, Thailand following a probable cerebral circulatory insufficiency and that this injury/illness could not be classified as having been a result of being wounded-in-action.

41. The Tribunal also considered the recommendations of the first Inquiry; specifically, whether or not Reverend Ashworth's injury could be classified as a 'psychological injury'. The Tribunal found that there was no evidence to suggest that cerebral ischemia or cerebral circulatory insufficiency could be considered to be a psychological injury and even if it were to be, the circumstances did not satisfy the requirement that the injury be sustained as a result of enemy action, nor was it recorded as such on Reverend Ashworth's medical record at the time.

Finding

42. For the reasons set out above, the Tribunal finds that Reverend Ashworth is not eligible for the RVCMM as he did not complete six months special service in Vietnam and he was not wounded-in-action and evacuated as a result of wounds. Accordingly, the Tribunal finds that the decision of the Directorate is the correct decision.

DECISION

43. The Tribunal decided to affirm the decision of the Directorate of Honours and Awards of the Department of Defence that Squadron Leader Chaplain, The Reverend George Ashworth, OAM, RFD (Retd) is not eligible for the award of the Republic of Vietnam Campaign Medal.

³⁹ Consultation Record -Form PM106 – entry dated 28 April 1966 – Medical Record Extracts page 7