



Australian Government

Defence Honours and Awards Appeals Tribunal

O'Reilly and the Department of Defence [2014] DHAAT 29 (1 August 2014)

File Number(s) 2013/012

Re **John Alfred O'Reilly**
Applicant

And **Department of Defence**
Respondent

DECISION

Tribunal Air Commodore M. Lax (Retd) (Presiding Member)
Ms S. Higgins (to 6 July 2014)

Hearing Date 11 March 2014

DECISION

On 1 August 2014 the Tribunal decided to affirm the decision of the Directorate of Honours and Awards of the Department of Defence that Mr John Alfred O'Reilly is not eligible for the award of the Reserve Force Decoration.

CATCHWORDS

DEFENCE AWARD – Reserve Force Decoration

LEGISLATION

Defence Act 1903 – ss 110T, 110V, 110VA, 110VB(2), and 110XB(4)(b)(i)
Defence Force Regulations 1952 - reg 93C and Schd 3
Defence Force Service Awards Regulations

REASONS FOR DECISION

Introduction

1. The applicant, Mr John Alfred O'Reilly (Mr O'Reilly), a former member of the Australian Army Reserve (ARES), seeks review of a decision of the Directorate of Honours and Awards of the Department of Defence (the Directorate), to refuse to recommend him for the Reserve Force Decoration (RFD). Mr O'Reilly's application for the award had been made on the basis of his service in the ARES between 1978 and 1995.

2. Mr O'Reilly originally applied to the Director General Army – Manning for the RFD in 1994 and on 2 September 1994 was told he was not eligible. In February 2012, Mr O'Reilly contacted the Central Army Records Office and was advised to contact the Directorate and submit an application. On 1 June 2012, Mr O'Reilly lodged an application for the RFD but again the award was refused. On 25 March 2013, Mr O'Reilly lodged an application for review with the Defence Honours and Awards Appeals Tribunal (the Tribunal) to review the decision of the Directorate to refuse to recommend him for the RFD.

Jurisdiction

3. There is no dispute that the Tribunal has jurisdiction to hear and determine Mr O'Reilly's application for review (see ss 110V, 110VA and 110VB(2) of the *Defence Act 1903* and reg 93C of the *Defence Force Regulations 1952*). 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.

4. On 6 July 2014, Ms Sigrid Higgins' appointment as a Member of the Tribunal expired. Under sub-section 110XB(4)(b)(i) of the *Defence Act 1903*, the Chair of the Tribunal directed that the matter be completed by the remaining Tribunal Member, who constitutes the Tribunal for the purpose of completing the Tribunal proceedings.

Steps taken in the conduct of the review

5. In accordance with its *Procedural Rules 2011*, on 8 May 2013, the Tribunal wrote to the Secretary of the Department of Defence informing him of Mr O'Reilly's application for review and requesting that he provide a report. On 19 June 2013, the Directorate, on behalf of the Secretary, provided the Tribunal with a report. In that report, the Directorate confirmed its position that Mr O'Reilly's service did not meet the eligibility criteria for the award he sought. On 8 May 2013, a copy of the report of the Directorate was forwarded to Mr O'Reilly for comment. A written response was received on 26 June 2013. Further comments were received from Mr O'Reilly in a letter dated 8 July 2013. Prior to the hearing, Mr O'Reilly suggested that his former commanding officer, Lieutenant Colonel Graeme Smith also be invited to attend.

6. The Tribunal met on 11 March 2014. During its meeting the Tribunal considered the material provided by Mr O'Reilly and the Directorate. It also heard oral evidence from Mr O'Reilly and Lieutenant Colonel Smith, who both agreed to be available by telephone that day.

Eligibility Criteria for the Award of the Reserve Force Decoration

7. The RFD was instituted by Her Majesty, The Queen by Letters Patent on 20 April 1982, as part of a suite of long service awards, ‘for the purpose of according recognition to persons who render long and efficient service as members of the Defence Force and to certain other persons who render long and efficient service in association with the Defence Force’. The *Defence Force Service Awards (DFSA) Regulations*, as set out in the Schedule attached to the Letters Patent, were amended on 26 May 1998 and again on 3 March 2000. Relevant to this review are the following Regulations:

Regulation 7

The Reserve Force Decoration may be awarded to a person who has, on or after 14 February 1975 and before 20 April 1999, completed the qualifying service as a member of the Defence Force required by regulation 8.¹

Regulation 8

- (1) Subject to sub-regulation (2) the qualifying service as a member of the Defence Force required for the award of the Reserve Force Decoration is efficient service as an officer of the Defence Force for a period of 15 years or for periods that, in the aggregate, amount to 15 years, being service that includes efficient service as an officer of the Reserve Forces for a period not less than 12 years or for periods that, in the aggregate, amount to not less than 12 years.
- (2) Service that has been taken into account as part of the qualifying service for the award of the Defence Force Service Medal or a clasp to that decoration or medal shall not be taken into account for the purpose of sub-regulation (1).

...

Regulation 10

The Reserve Force Medal may be awarded to a person who has, on or after 14 February 1975 and before 20 April 1999, completed the qualifying service as a member of the Defence Force required by regulation 11. A person who has been awarded the Reserve Force Decoration is not eligible for an award of the Reserve Force Medal.

Regulation 11

- (1) Subject to sub-regulation (2), the qualifying service as a member of the Defence Force required for the award of the Reserve Force Medal is efficient service as a member of the Defence Force for a period of 15 years or for periods that, in the aggregate, amount to 15 years, being service that includes efficient service as a member of the Reserve Forces for a period not less than 12 years or for periods that, in the aggregate, amount to not less than 12 years.

¹ *Commonwealth of Australia Gazette* No. S 78 of 27 April 1982, *Commonwealth of Australia Gazette* No. S 352 of 10 July 1998 and *Commonwealth of Australia Gazette* No. S 160 of 30 March 2000.

- (2) Service that has been taken into account as part of the qualifying service for the award of the Reserve Force Decoration, the Defence Force Service Medal or a clasp to that decoration or medal shall not be taken into account for the purpose of sub-regulation (1)...

8. General provisions regarding Service are covered under Regulation 3. These include:

- (1) For the purpose of determining whether a person has rendered efficient service as a member of the Defence Force but without limiting the matters that may be taken into account for that purpose, regard shall be had to such matters (if any) as are for the time being specified in directions given by the Chief of Defence Force Staff or his delegate for the purposes of this sub-regulation.
- (2) For the purpose of these Regulations, a person shall be taken to have rendered service in the Reserve Forces throughout a year if:
 - (a) the person, by virtue of his membership of the Reserve Forces, was required to undergo training or render service in the capacity of a member of the Reserve Force for a period not less than, or for periods that, in the aggregate, were not less than, a period determined by the Chief of Defence Force Staff or his delegate; and
 - (b) the person completed that training or rendered that service, as the case may be.
- (3) For the purposes of the application of sub-regulation (2) in relation to a particular person, "year" means the period of 12 months that commenced on the day on which the person became a member of the Reserve Forces or on any anniversary of that day.

Annual Qualifying Period for the RFD

9. The Chief of the General Staff (CGS) has provided a determination for the purpose of *DFSA Regulation 3* on 'the period which a person shall be required to undergo training or render service in the capacity of a member of the Army Reserve'. On 25 November 1983, the then CGS, Lieutenant General P.H. Bennett, directed that for 'All other units', this period shall be '... 26 days , comprising such periods of continuous training and home training as are directed by the proper military authority'.² The Tribunal is not aware of any additional direction by the 'proper military authority'. A further determination on 26 August 1993, signed by the then CGS Lieutenant General J.C. Grey altered the number of days required to be served to 14 days

² CDF Staff Determination under the *Defence Force Service Awards Regulations* dated 25 November 1983.

Definition of Efficient Service and Reserve Year

10. The *Defence Honours and Awards Manual* (DHAM) defines ‘efficient service’. The DHAM replaced *Defence Instruction (General) Personnel 31-1* which was the applicable instruction at the time of Mr O’Reilly’s service. The Tribunal noted that the DHAM definition was the same as that in the now cancelled Defence Instruction and defines efficient service as:

Efficient Service - means any service in the Permanent or Reserve Forces of the ADF as determined by Chief of the Defence Force (CDF) or a Service chief. The following service has been determined not to be efficient service:

(1) any period during which a member has been the subject of a formal warning, adverse report or other formal notice specifically concerning inefficiency, and the member is not considered under the rules applying to their Service to be worthy of retention in that Service at the conclusion of that period and is discharged or has their service terminated. (Just because a member is on a formal warning does not automatically mean a loss of pay or service; permanent members will still be at work, even when under house arrest, until they are released from warning, discharged, or have their appointment terminated);

(2) service as a member of another Australian Government body, except where special provisions apply in respect of the National Medal;

(3) periods of leave without pay, but excluding part-time leave without pay arrangements;

(4) periods of suspension without pay;

(5) absence without leave for periods of 24 hours or longer; and

(6) periods of detention or imprisonment, whether military or civil.

Note: certain categories of service have a requirement to complete periods of compulsory continuous training to be classified as efficient.³

11. The DHAM also defines a ‘Reserve Year’. A **Year** means:

(1) for continuous service—the 12-month period ending on the anniversary of the date of enlistment or appointment.

(2) for aggregated service—two or more separate periods of service that in aggregate total 12 months.

³ DHAM Chapter 28, paragraph 28.4 b. *Defence Instruction (General) Personnel 31-1* dated 27 February 2007 applied at the time of Mr O’Reilly’s Reserve Service, but the DHAM has not changed any of the criteria. The DHAM is available at www.defence.gov.au/medals.

Reserve Service for the Purpose of Long Service Awards

12. The DHAM defines Reserve Forces for the purpose of Defence long service awards as:

- (1) the High Readiness Active Reserve;
- (2) the High Readiness Specialist Reserve;
- (3) the Active Reserve;
- (4) the Specialist Reserve;
- (5) the Standby Reserve; and
- (6) any other categories that the Chief (Army, Navy, Air Force) establishes or may have established for the Chief's Service.⁴

13. The Tribunal determined that Mr O'Reilly's Army Reserve Service was Reserve Service and therefore subject to CGS Direction as defined under paragraph 9 above. The DHAM or previous Defence Instructions make no mention of the Inactive Reserve, but the Tribunal accepts that such a designation can be made by the Chief of Army under paragraph 12 (6) above and that Standby Reserve equates to Inactive Reserve for the purposes of this review.

Voluntary Army Reserve Service

14. *Defence Instructions (Army) Personnel 116-12* of 17 July 2000 entitled 'Voluntary Unpaid Attendance by Members of the Army Reserve' at paragraph 24 covers voluntary service. The instructions specifically state:

VUP [Voluntary Unpaid Service] does not contribute towards attendance criteria for minimum training obligation, Service Awards or promotion criteria.

15. Defence has published information regarding the RFD and voluntary service on both the Defence Honours and Awards Website and in the DHAM. The website has a link to the RFD which briefly explains the award criteria.⁵ The website states (emphasis added):

The Reserve Force Decoration (RFD) may be awarded to an officer who has, on or after 14 February 1975 and before 20 April 1999, completed 15 years efficient **remunerated** commissioned service in the Reserve Forces...

16. The DHAM at para 28.19 also covers voluntary unpaid work but refers applicants to the single-Service instruction. For the purposes of this review the relevant single-Service instruction is the Army instruction discussed at paragraph 14 above.

⁴ DHAM Chapter 28, paragraph 28.4 e.

⁵ www.defence.gov.au/medals under the Long Service Awards tab accessed on 17 March 2014.

Awards of the Reserve Force Decoration and Reserve Force Medal to the same person

17. The DHAM also specifies that a member who has been awarded the Reserve Force Medal (RFM) for service which includes both commissioned and non-commissioned service may be awarded the RFD on completion of the qualifying service specified in the regulations. The applicable paragraphs are in the DHAM thus:

29.13 A member, who has been awarded the RFD, and any subsequent clasps, is not eligible for an award of the RFM unless there is a clear 15 years or more other rank service coupled with a clear 15 years or more officer service. An officer with an aggregate of 15 years other rank service, which does not qualify for the RFD, may be eligible for the RFM.

29.14 An anomaly in the original DFSA Regulations incorrectly allowed some Reserve officers to qualify for the award of both the RFD and RFM. This anomaly meant that a Reserve officer after completion of 30 years' service as an officer, 15 years of that service could be used as qualifying service for an RFM whilst the other 15 years' service could be used as qualifying service for the RFD.

29.15 An amendment to DFSA Regulations to remove this anomaly was approved by the Queen on 26 May 1998. Under this amendment Reserve officers who have been awarded an RFD can no longer be awarded a RFM, except as detailed in Paragraph 29.13.

29.16 Ramifications for officers. Officers who had been awarded a RFD and elected to have additional service recognised for an award of a RFM removed themselves from the RFD stream. As a result, future officer service cannot be recognised by clasps to either the RFD or RFM. Options available are:

- a. An officer may choose to retain both the RFD and RFM awards and accept that any additional service will not be recognised by any additional award or clasp.
- b. The officer may elect to return the RFM, return to the RFD stream and have all eligible service recognised by clasps to the RFD.
- c. An officer may elect to return both the RFD and RFM and receive a DLSM in lieu, with appropriate clasps, recognising all ADF service.

...

29.18 Exemption. A Reserve member may be awarded both the RFD and RFM if qualification is gained before 26 May 1998, the date when Regulations were amended. This is consistent with the Letters Patent to the DFSA Regulations (as amended) where it stipulates that amendments are effective from 26 May 1998 without prejudice to anything lawfully done under previous regulations. This is an 'accrued entitlement' which was gained under DFSA

Regulations before the amendment and therefore remains for service before 26 May 1998.⁶

18. Under the anomaly described above, to be awarded both the RFD and RFM, Mr O'Reilly, subject to certain criteria, must have served for a minimum of 30 years efficient service.

Summary of Award Criteria for the RFD

19. In summary, to be awarded the RFD, Mr O'Reilly must have:
- a. qualifying service as a member of the Reserve Forces after 14 February 1975 and before 20 April 1999; and
 - b. efficient service as an officer of the Defence Force for 15 years or an aggregate of 15 years being service that includes efficient service as an officer of the Reserve Forces for a period not less than 12 years or for periods that, in the aggregate, amount to not less than 12 years; and
 - c. served for the required 26 days per enlistment year.

Mr O'Reilly's Service Record

20. Mr O'Reilly joined the Citizen Military Forces (Reserves) on 2 July 1964 as a soldier. He was posted to the 4/19th Prince of Wales Light Horse Regiment (4/19th PWLH) and served until discharged on 8 August 1969, having also completed his National Service.

21. On 7 November 1973 he re-enlisted into the 4/19th PWLH Regiment and was commissioned on 29 October 1978. Mr O'Reilly's Non-Commissioned Service is:

CMF – 2 Jul 1964 to 8 Aug 1969	5 years + 1 month, 7 days
CMF – 7 Nov 1973 to 28 Oct 1978	4 years + 11 months, 22 days
Total all Non-Commissioned Reserve Service	10 years + 0 months, 29 days

22. Mr O'Reilly's ARES service was sporadic between 1973 and 1984 due to his civilian occupation. Between 1984 and 1990, Mr O'Reilly was relocated by his employer to Brisbane, then Sydney and back to Melbourne. These moves and demands of his civilian employment caused disruption to his ARES service. In August 1990 he was posted back to 4/19th PWLH as the Regimental Technical Adjutant and became Squadron Commander of B Squadron. In the first quarter of 1991 the Regimental Pay Cell acknowledged that Mr O'Reilly had not been on the establishment and therefore was not paid since he has transferred into 4/19th PWLH in August 1990. During this time the duties Mr O'Reilly performed while on the Inactive List were under sub-section 50 (4) of *the Defence Act 1903*.

23. Mr O'Reilly continued to serve in the ARES until his compulsory age retirement on 23 July 1993. Mr O'Reilly's Commissioned Service is:

⁶ DHAM Chapter 29, paragraphs 29.13 to 29.16 and 29.18.

Active Reserve - 29 Oct 1978 to 9 Jul 1986	7 years + 8 months, 11 days
Inactive Reserve - 10 Jul 1986 to 23 Mar 1991	4 years + 8 months, 14 days
ARES - 25 Apr 1991 to 23 Jul 1993	2 years + 2 months, 29 days
Total Commissioned Reserve Service	13 years + 18 months, 54 days or 14 years + 7 months, 24 days

24. Mr O'Reilly claims his ARES service was for 14 years, eight months and 26 days, but he includes the one month and two days between 23 March and 25 April 1991 when he was awaiting reappointment. His request for a 12 month extension beyond retirement was not approved.

25. For his Army service, Mr O'Reilly was awarded the RFM, the Anniversary of National Service 1951-72 Medal and the Australian Defence Medal.

Section 50 of the *Defence Act 1903*

26. Section 50 of the *Defence Act 1903* is used to employ Reserve members under a contract of work and the contract is referred to as Form DA50. Section 50 of the *Defence Act* provides for the following:-

(1) A member of the Army Reserve is not bound to render continuous full time service otherwise than:

(a) as provided in this section; or

(b) as a result of a call out order under section 50D, 51A, 51AA, 51AB, 51B, 51C or 51CA.

(2) The regulations must set, or provide for the setting of, training periods for the Army Reserve.

[Note: Different training periods may be set for different parts of the Army Reserve or for different classes of members of the Army Reserve: see subsection 33(3A) of the *Acts Interpretation Act 1901*, as amended to 2014]

(2A) A member of the Army Reserve is bound to render, in each training period, military service (other than continuous full time military service) for such periods as are set by or under the regulations. However, a member may be exempted by or under the regulations from the obligation to render all, or a specified part, of that service.

[Note: Different service may be required of different parts of the Army Reserve, or of different classes of members of the Army Reserve, or in different periods: see subsection 33(3A) of the *Acts Interpretation Act 1901*]⁷

⁷ *The Acts Interpretation Act 1901 S.33(3A)* states: Where an Act confers a power to make, grant or issue any instrument of a legislative or administrative character (including rules, regulations or by-laws) with respect to particular matters (however the matters are described), the power shall be construed as including a power to make, grant or issue such an instrument with respect to some only of

(3) A member of the Army Reserve may, at any time, voluntarily undertake to render continuous full time military service for a period specified by him and, if that undertaking is accepted, he is bound to render that form of service for that specified period or for such period or periods within that specified period as the Chief of Army directs.

(4) A member of the Army Reserve may at any time voluntarily undertake to render military service, other than continuous full time military service, for a period or periods specified by him, and, if that undertaking is accepted, the member is bound to render military service in accordance with that undertaking or for such period or periods within that specified period, or within those specified periods, as the case may be, as the Chief of Army directs.

27. The DA50 allowed Mr O'Reilly to undertake service while in the Inactive Reserve until his return to ARES service.

Mr O'Reilly's Case

28. Mr O'Reilly seeks recognition for his service as a commissioned officer in the Army Reserves. In a letter to the Tribunal dated 8 July 2013, Mr O'Reilly stated that he accepts the Directorate's calculation of his Commissioned Reserve Service as 14 years, eight months and 26 days⁸ but contends that he had further service that was overlooked. He claimed that in March 1995, he was asked by the CO of 4/19th PWLH Regiment, Lieutenant Colonel Graeme Smith, to 'return from the Inactive Reserve to the Regiment and establish a secured vehicle compound at Puckapunyal, Victoria'. This he stated was a five-month assignment which he completed later that year but for which he received no pay. He further claimed that the Tribunal should add this latter time to the Directorate's calculation to thus credit him with 15 years and two months reserve service, which would make him eligible for the RFD. Mr O'Reilly provided a statutory declaration to that effect.

29. At interview, Mr O'Reilly reiterated that he accepted the Directorate's calculation of his Army Reserve service as 14 years, eight months and 26 days which was made up of active service and 'DA50' time. He also reiterated his claim that he undertook further unpaid reserve duties at Puckapunyal after his retirement. This claim he stated was backed up by a statutory declaration by his commanding officer, Lieutenant Colonel Graeme Smith, even though Army records of this activity no longer exist.

Statement by Lieutenant Colonel Smith

30. Mr O'Reilly was supported by a Statutory Declaration and oral statement from his former commanding officer, Lieutenant Colonel Graeme Smith who agreed to be interviewed by telephone at the 11 March 2014 hearing. Lieutenant Colonel Smith

those matters or with respect to a particular class or particular classes of those matters and to make different provision with respect to different matters or different classes of matters.

⁸ This is calculated from Mr O'Reilly's Commissioning on 29 October 1978 to his retirement on 23 July 1993, and includes the first and last day in the calculation.

confirmed that in 1995, he was the commanding officer of the 4/19th PWLH Regiment, an Army Reserve unit based in Victoria. Lieutenant Colonel Smith went on to state that ‘it was always my intention to bring Captain O’Reilly back onto the [Army] Reserve’. He confirmed that he had asked Mr O’Reilly to establish a transport compound at Puckapunyal between March and August 1995 and that Mr O’Reilly had completed the task. He also stated he just assumed that Mr O’Reilly had been re-appointed to the Army Reserve and that he was being paid.

31. Lieutenant Colonel Smith provide further information on 26 June 2014 enclosing a Statutory Declaration by Major Colin O’Dell, an officer in the Regiment at the time Mr O’Reilly was engaged after his retirement.

Statement by Major O’Dell

32. In his Statutory Declaration to the Tribunal, Major O’Dell stated he was Mr O’Reilly’s squadron commander in 1995. He confirmed the statements by Mr O’Reilly and Lieutenant Colonel Smith that Mr O’Reilly had worked on the transport compound at Puckapunyal between March and August 1995, but that he was unaware of Mr O’Reilly’s reserve status or administrative arrangements.

The Defence Case

33. In its submission to the Tribunal, the Directorate stated that Mr O’Reilly’s commissioned service in the ARES was from 29 October 1978 and 25 July 1993 and amounted to 14 years, eight months and 26 days. The eligibility criteria for the RFD as covered in the *DFSA Regulations* and CDF Determinations require a Reserve Officer to have served for 15 years efficient service or for periods that aggregate 15 years. As Mr Reilly did not serve for 15 years efficient, only 14 years, eight months and 26 days, he is not eligible for the RFD.

34. While not specific to the Directorate’s case, the assessing officer noted on the assessment sheet as part of the Defence submission that only seven years of Mr O’Reilly’s commissioned service were deemed efficient service.

35. The Directorate did not comment on Mr O’Reilly’s claim of additional unpaid Reserve work allegedly done in 1995.

Tribunal Consideration

36. The Tribunal carefully considered all the material before it and considered the criteria for the RFD and Mr O’Reilly’s work on the Army Reserve.

37. There is no dispute about Mr O’Reilly’s service record between 2 July 1964 and 23 July 1993 or, that for the period after he was commissioned Mr O’Reilly had 14 years, eight months and 26 days service. This is insufficient time for the award of the RFD which requires 15 years commissioned service.

38. Under the *DFSA Regulations* 11(1) as discussed at paragraph 7 above, service as an officer may be taken into account for the award of the RFM. The Tribunal noted

that Defence has allowed five years of Mr O'Reilly's service as an officer to count time towards his RFM.

39. Defence assessed that only seven years of Mr O'Reilly's commissioned service were deemed efficient as recorded in Mr O'Reilly's service and pay records. However, because for some years the records were either missing or unclear, even if the Tribunal allowed for those missing years between 29 October 1979 (Mr O'Reilly's commissioning) and 23 July 1993 (Mr O'Reilly's retirement) as efficient, Mr O'Reilly would still not have 15 years efficient service as a Reserve officer.

40. The Tribunal noted that the *DFSA Regulations* state that the RFD is awarded to officers who have *efficient service as an officer of the Defence Force for a period of 15 years or for periods that, in the aggregate, amount to 15 years, being service that includes efficient service as an officer of the Reserve Forces for a period of not less than 12 years or for periods that, in the aggregate, amount to not less than 12 years*. Even if the additional years of Mr O'Reilly's reserve service mentioned in paragraph 39 were deemed 'efficient', Mr O'Reilly does not meet this eligibility criterion for the purposes of the RFD award.

41. The Tribunal next considered Mr O'Reilly's claim to have completed an additional five months of unpaid Reserve work in 1995 for which he believed he should be credited. The Tribunal noted that he had already reached compulsory retirement age in 1993 and his application for extension of service was not approved. The Tribunal accepts Mr O'Reilly completed the work he claimed he undertook at Puckapunyal in 1995 as verified by Lieutenant Colonel Smith and Major O'Dell, but under *Defence Instructions (Army) Personnel 116-12*, Mr O'Reilly cannot include this voluntary work as contributing service for the award of the RFD.

42. An anomaly allows a member to be awarded both the RFM and RFD if they meet certain criteria. To be eligible for both the RFM and RFD, a member must have efficient service for at least a total of 30 years. Mr O'Reilly's total service was for 24 years, nine months and 10 days⁹, not all of which was deemed efficient.

43. In considering the criteria for the RFD, the Tribunal found that Mr O'Reilly did not complete 15 years of efficient service as an officer in the Defence Force, and for this reason he is not eligible for the award of the RFD.

DECISION

44. The Tribunal decided to affirm the decision of the Directorate of Honours and Awards of the Department of Defence that Mr John Alfred O'Reilly is not eligible for the award of the Reserve Force Decoration.

⁹ Calculated from initial enlistment on 2 July 1964 to 8 Aug 1969 (5 years, 1 month, 6 days); plus time from 7 Nov 1973 to 23 Mar 1991 (17 years, 4 months, 16 days); plus time from 25 Apr 1991 to 23 Jul 1993 (2 years, 2 months, 28 days).