

GENERAL INFORMATION	
KEYWORDS	Category 1 aviation medical certificate, medication, cannabis, morphine
FILE NO.	C-4068-01
SECTOR (Marine or Aviation)	Aviation
SPECIFIC JOB	Executive in the aviation industry
DIAGNOSIS (Primary, Secondary, etc.)	Genetic risk of Hemochromatosis
REVIEW	
DATE OF DETERMINATION	April 20, 2015
MEMBER	Dr. George Pugh
DETERMINATION	The Minister's decision is confirmed
REASONS FOR THE DETERMINATION	Suspension of a category 1 aviation medical certificate — The applicant has a genetic risk of Hemochromatosis and experiences abdominal pain and is presently on chronic morphine therapy. Unfortunately, the applicant's pain management regimen is not compatible with the requirements created to ensure aviation safety. Given the circumstances, the Minister of Transport's decision to suspend the applicant's medical certificate is reasonable. The Minister's decision is confirmed.
APPEAL	
DATE OF DECISION	March 11, 2016
MEMBERS	Dr. Christopher Brooks, Stephen Rogers, Laura Safran
DECISION	The appeal is dismissed. The Minister's decision is confirmed.
REASONS FOR THE DECISION	<p>On his request for appeal, the appellant submitted two grounds for appeal that related to the member's assessment of the evidence. Because of this, the appropriate standard of review is reasonableness.</p> <p>The member weighted the evidence and gave credence to an experienced aviation medical officer assessment, that "morphine is a sedative that causes poor cognition and a don't-care attitude along with other well-known side effects". This, in its own right, is compelling evidence that the appellant should be disqualified from holding the licence. The appeal panel concurs with the review member that such testimony by an experienced aviation medical officer should be given significant weight. The appeal panel will not interfere with the review member's finding since the member came to a reasonable outcome based on the evidence presented before him. Accordingly, the panels concurs with the review member that the appellant's use of morphine, notwithstanding the low dosage and the fact that it is administered on a regular basis, is not compatible with the requirements of the <i>Canadian Aviation Regulations (CARs)</i> to hold a medical certificate and to ensure aviation safety. The appeal panel is of the view that the review member's determination and reasons were</p>

	<p>consistent with the evidence and testimony given at the review hearing, and that therefore <i>CARs</i> Standard 424.17(4), Physical and Mental Requirements Table, medical category 4, item 4.1, is applicable.</p> <p>The Minister of Transport's decision to suspend the appellant's private pilot licence is upheld and the appeal is dismissed.</p>
OTHER/COMMENTS	