

GENERAL INFORMATION	
KEYWORDS	Category 2 aviation medical certificate, convulsive disorder, epilepsy, medication
FILE NO.	P-3331-07
SECTOR (Marine or Aviation)	Aviation
SPECIFIC JOB	Air traffic controller
DIAGNOSIS (Primary, Secondary, etc.)	Epilepsy, two tonic-clonic convulsive episodes
REVIEW	
DATE OF DETERMINATION	February 12, 2008
MEMBER	Dr. Michel Larose
DETERMINATION	The Tribunal must uphold the decision of the Minister to refuse to renew the applicant's medical certificate.
REASONS FOR THE DETERMINATION	Refusal to renew a category 2 aviation medical certificate — The applicant had two tonic-clonic convulsive episodes with loss of consciousness for the first episode; two transient ischemic attack episodes that manifested as Broca's aphasia, or slurred speech. In addition, two EEGs proved to be abnormal, and a CT scan with contrast and an MRI showed evidence of lacunar lesions in both hemispheres. The medication prescribed indefinitely is Dilantin, an anti-seizure medication. After analysing the extensive documentary and oral evidence and taking into consideration the medical literature adduced, the Tribunal concludes, on the balance of probabilities, that the principal diagnosis to retain is that of epilepsy. The Tribunal must uphold the decision of the Minister of Transport to refuse to renew the applicant's medical certificate in light of two serious medical conditions. Accordingly, a licence with restrictions may not be issued pursuant to the <i>Aeronautics Act</i> and the <i>Canadian Aviation Regulations</i> .
APPEAL	
DATE OF DECISION	June 24, 2008
MEMBERS	Dr. James M. Wallace, Faye Smith, Sandra K. Lloyd
DECISION	The appeal is dismissed. The Minister's decision is confirmed.
REASONS FOR THE DECISION	As submitted by the Minister of Transport, on the balance of probabilities, the appellant had epilepsy. Consequently, it would not be in public interest to issue a restricted medical certificate to the appellant. Whether or not the diagnosis is epilepsy or single seizure, the Minister had no choice but to find the appellant unfit under the <i>Canadian Aviation Regulations</i> . The review member was therefore correct in his determination. In cases where aviation safety is paramount, the Minister's decision to refuse to renew an aviation document is justified.
OTHER/COMMENTS	

