

GENERAL INFORMATION	
KEYWORDS	Category 1 aviation medical certificate, category 3 aviation medical certificate, mental health, autism spectrum disorder
FILE NO.	A-4353-01
SECTOR (Marine or Aviation)	Aviation
SPECIFIC JOB	Student pilot
DIAGNOSIS (Primary, Secondary, etc.)	Autism spectrum disorder
REVIEW	
DATE OF DETERMINATION	September 28, 2018
MEMBER	Dr. Christopher Brooks
DETERMINATION	The Minister's decision is confirmed.
REASONS FOR THE DETERMINATION	<p>Following reconsideration of the applicant's extensive psychiatry history, the Regional Aviation Medical Officer granted the applicant a category 3 medical certificate in September 2014, and after further consideration, the original Aviation Medical Review Board psychiatrist reversed his decision and found him fit for a category 1 medical certificate; this was approved by Transport Canada (TC) in April 2016. With a change of circumstance in the applicant's psychiatric condition, the unanimous opinion of this panel of experts was that he was no longer fit to hold any type of aviation medical certificate. His certificate was cancelled in May 2017, pursuant to paragraph 7.1(1)(b) of the <i>Aeronautics Act</i>. The applicant has autism, and this causes him to suffer from maladaptive and catastrophic cognitions, which may lead to behavioural outbursts, difficulty making judgements in the heat of the moment, and acting impulsively. This has now been observed for over seven years of follow-up and the symptoms have barely remained stable even though he is on medication and receiving psychotherapy. Consequently, in the interest of flight safety and public safety, the Minister of Transport's decision was the correct one.</p>
APPEAL	
DATE OF DECISION	April 27, 2020
MEMBERS	Dr. Peter Seviour, James E. Macdonald, Andrew Wilson
DECISION	The appeal is dismissed; the Minister's decision is confirmed.
REASONS FOR THE DECISION	<p>The evidence demonstrates both a general diagnosis that is in itself incompatible with the safe operation of an aircraft and specific behaviours that, if exhibited in an aircraft, could present a serious safety issue. The appeal panel therefore cannot give effect to this ground of appeal. The panel is of the view that the ultimate decision of the review member was well-founded on the record and entirely reasonable.</p>

	<p>For the above reasons, and except as otherwise stated, the appeal panel rejects the grounds of appeal advanced. As sympathetic as the panel is to the applicant's drive and desire to fly, and with the greatest respect, the panel agrees with the conclusion of the review member and does not find any material or substantial errors in the review determination that would warrant allowing this appeal.</p>
OTHER/COMMENTS	