

GENERAL INFORMATION	
KEYWORDS	Category 3 aviation medical certificate, restrictions, memory loss, mental health, transient ischaemic attack (TIA)
FILE NO.	A-4417-01
SECTOR (Marine or Aviation)	Aviation
SPECIFIC JOB	Unknown
DIAGNOSIS (Primary, Secondary, etc.)	Recurrent memory loss / history of TIA
REVIEW	
DATE OF DETERMINATION	March 12, 2019
MEMBER	Dr. Peter Seviour
DETERMINATION	The Minister's decision is confirmed.
REASONS FOR THE DETERMINATION	Refusal to renew an unrestricted category 3 medical certificate — The applicant was issued a restricted category 3 medical certificate. The Minister of Transport's representative provided detailed medical records documenting the applicant's issues with confusion and memory impairment, felt to be due to transient ischaemic attacks. While the applicant's own physicians supported his return to flying, the member places more weight upon the decision of the Aviation Medical Review Board, a board comprised of medical specialists with aviation experience. They reviewed his case on several occasions and, based primarily upon the multiple episodes of memory impairment of unknown etiology, supported Transport Canada's refusal to issue an unrestricted medical certificate. The member concurs that these episodes are inconsistent with the standards of the <i>Canadian Aviation Regulations</i> and supports the decision of the Minister to issue only a restricted category 3 medical certificate – accompanying pilot “fully qualified on type”.
APPEAL	
DATE OF DECISION	December 7, 2020
MEMBERS	Dr. Christopher Brooks, Andrew Wilson, J. Ed MacDonald
DECISION	The appeal is dismissed; the Minister's decision confirmed.
REASONS FOR THE DECISION	<p>The appellant's sole ground for appeal is his contention that the review member applied insufficient weight to the evidence and opinions presented in the reports of his personal physicians. This is a question of fact, and therefore, the panel finds that this ground will attract the reasonableness standard.</p> <p>The panel finds that the review member did consider the evidence of the appellant's own physicians. The panel agrees with the Minister of Transport that the Aviation Medical Review Board (AMRB) physicians are experts within aviation medicine where fitness to fly is a</p>

	<p>concern. Therefore, it was reasonable for the review member to place more weight on their evidence.</p> <p>The panel finds that the review member did consider the reports of the appellant, and that it was reasonable for the review member to rely on the recommendation of the AMRB in the appellant's case and to give more weight to the AMRB over the physicians referred to by the appellant.</p> <p>It is quite clear from the medical evidence that the appellant has at least three episodes of cognitive impairment. For the reasons stated herein, we find that the review member's determination is a reasonable one; this panel would have reached the same conclusion as the review member solely on the basis of the medical evidence presented, demonstrating that the appellant experienced at least three episodes of cognitive impairment, rendering him unfit per the <i>Canadian Aviation Regulations</i>. It follows that the determination of the review member is upheld.</p>
	OTHER/COMMENTS