

GENERAL INFORMATION	
KEYWORDS	Category 3 aviation medical certificate, category 4 aviation medical certificate, epilepsy, medication
FILE NO.	O-4508-28
SECTOR (Marine or Aviation)	Aviation
SPECIFIC JOB	Unknown
DIAGNOSIS (Primary, Secondary, etc.)	Epilepsy
REVIEW	
DATE OF DETERMINATION	January 29, 2021
MEMBER	Dr. Christopher Brooks
DETERMINATION	The Minister's decision is confirmed.
REASONS FOR THE DETERMINATION	<p>Refusal to issue a category 3 or 4 aviation medical certificate — The applicant is a 29-year old male who has had epilepsy since childhood and is presently prescribed the anticonvulsive medication Divalproex, 250 mg twice daily, for control. After being seizure-free since 2012, he applied to Transport Canada (TC) for an aviation medical certificate in May 2019 and subsequently received a refusal to issue letter from TC. The applicant submits that he is fit to fly because his risk of having another seizure is now below 2% annually and the <i>Canadian Aviation Regulations (CARs)</i> allow flexibility under subsection 404.05(1). The Minister of Transport's position is that the applicant would need to be long-term seizure-free and off all medication for him to be considered fit to fly. Regarding epilepsy, the <i>CARs</i> is extremely prescriptive. Under Standard 424.17(4), paragraph 3.4(b) states clearly that an applicant must have no established medical history or clinical diagnosis of "a convulsive disorder", and paragraph 4.3 states that an applicant must have no medical history or clinical diagnosis of "a convulsive disorder". Equally prescriptive is the TC Handbook for Civil Aviation Medical Examiners which clearly states, on page N-8, that "[i]ndividuals with epilepsy are unfit." The regulations and guidelines on the medical disposition of people who experience convulsions or seizures are very clear, and TC has applied them correctly in the interest of flight and public safety. The Minister's decision to refusal to issue a category 3 or 4 aviation medical certificate is confirmed.</p>
APPEAL	
DATE OF DECISION	
MEMBERS	
DECISION	
REASONS FOR THE DECISION	
OTHER/COMMENTS	

