

GENERAL INFORMATION	
KEYWORDS	Marine medical certificate, kidney stones, geographical limitations
FILE NO.	MA-0538-21
SECTOR (Marine or Aviation)	Marine
SPECIFIC JOB	Captain
DIAGNOSIS (Primary, Secondary, etc.)	History of recurrent renal calculi (kidney stones)
REVIEW	
DATE OF DETERMINATION	February 25, 2021
MEMBER	Dr. Christopher Brooks
DETERMINATION	The member is referring the matter back to the Minister for reconsideration.
REASONS FOR THE DETERMINATION	<p>Refusal to issue a marine medical certificate (MMC) without limitations — The applicant, with a history of recurrent renal calculi, was issued a limitation of Near Coastal Voyage Class 2 (NC-2 on his MMC). Subsection 270(1) of the <i>Marine Personnel Regulations (MPRs)</i> incorporates by reference the medical standards set out in the International Labour Organization (ILO) and World Health Organization publication entitled <i>Guidelines for Conducting Pre-sea and Periodic Medical Fitness Examinations for Seafarers</i>, which is superseded by the ILO/ International Maritime Organization (IMO) <i>Guidelines on the medical examinations of seafarers</i>. The Minister of Transport contends that the applicant is in a safety-critical position, and that the decision to restrict his MMC to an NC-2 category with the mileage extension was due to his history of kidney stones and was entirely reasonable. The applicant submits that he has committed to annual blood work and urinalysis, both of which show normal kidney function and no presence of microscopic blood in the urine, an early indicator of kidney stones. It was stated that Transport Canada (TC) agrees there is no risk of passing a stone when one is not present, and that the applicant has made dietary changes to prevent further formation of stones. The member determines that TC was unreasonable in its handling of the applicant's case based on the evidence of his medical status and circumstances and cannot find any proof TC made a sound medical judgment in the applicant's case. For these reasons, the member is referring the matter back to the Minister for reconsideration of the Minister's decision to issue the applicant a restricted MMC. If the conclusion is that no stone is currently in formation, the member suggests that it would be reasonable that the applicant return to his full duties under an NC-1 restriction with regular re-assessment/screening.</p>
APPEAL	
DATE OF DECISION	
MEMBERS	

DECISION	
REASONS FOR THE DECISION	
OTHER/COMMENTS	