

GENERAL INFORMATION	
KEYWORDS	Marine medical certificate, mental health, cognition
FILE NO.	MA-0610-28
SECTOR (Marine or Aviation)	Marine
SPECIFIC JOB	Master mariner
DIAGNOSIS (Primary, Secondary, etc.)	Concerns with the applicant's cognition and attention
REVIEW	
DATE OF DETERMINATION	November 19, 2021
MEMBER	Dr. Peter Seviour
DETERMINATION	The member confirms the Minister of Transport's decision to refuse to issue a marine medical certificate to the applicant.
REASONS FOR THE DETERMINATION	
<p>Refusal to issue a marine medical certificate (MMC) — Following receipt of a report from the marine medical examiner (MME), the applicant was declared unfit, with a temporary notation, based upon concerns the MME had with respect to the applicant's cognition and attention. The applicant was advised by letter which noted that for Transport Canada (TC) to adequately assess the applicant's fitness to hold an MMC, TC would need to obtain a detailed evaluation from a neuropsychologist regarding the applicant's cognitive functioning, with a view to confirm that he had the mental fitness to meet the occupational and operational requirements of a master mariner. Appendix E of the International Labour Organization (ILO) and International Maritime Organization (IMO) <i>Guidelines on the Medical Examinations of Seafarers</i>, "Fitness criteria for common medical conditions," namely "Mental, cognitive, and behavioural disorders" sets out the specific requirements for medical fitness associated with the condition in question, including a permanent restriction from holding an MMC if impairments are persistent or recurrent. While the requested neuropsychological testing was done prior to day one of the hearing, the applicant had not made it available to TC for review. The report was entered into evidence by the applicant and the hearing was adjourned to allow the Marine Medical Unit (MMU) to review it and decide on the status of the MMC in question. Subsequently, TC informed all parties that, having reviewed the neuropsychologist's report, they maintained their position that an MMC would not be reissued. The neuropsychologist who had performed the testing testified as to his findings. He confirmed that the applicant does have measurable neurocognitive deficits, felt to be consistent with a known history of remote mini-stroke. He also testified that the applicant would be expected to function well in situations to which he had been exposed in the past, but that unfamiliar scenarios may represent a challenge. While the applicant argued that his current role onboard is that of an observer only, TC argued that the inability to adapt to changing or unfamiliar situations was crucial in their decision to refuse to reissue an MMC. The member, having considered both the requirements for the MMC being requested and the result of the neuropsychological testing, concluded that the applicant does not meet the requirements for the Master Mariner MMC.</p>	
APPEAL	
DATE OF DECISION	
MEMBERS	
DECISION	
REASONS FOR THE DECISION	
OTHER/COMMENTS	