

GENERAL INFORMATION	
KEYWORDS	Category 1 aviation medical certificate, traumatic brain injury (TBI), restrictions
FILE NO.	H-4723-01
SECTOR (Marine or Aviation)	Aviation
SPECIFIC JOB	Commercial fixed-wing and helicopter pilot
DIAGNOSIS (Primary, Secondary, etc.)	Traumatic brain injury
REVIEW	
DATE OF DETERMINATION	June 9, 2022
MEMBER	Dr. Christopher Brooks
DETERMINATION	The member confirms the Minister of Transport's decision to refuse to renew the applicant's unrestricted aviation medical certificate.
REASONS FOR THE DETERMINATION	
<p>Refusal to renew an unrestricted aviation medical certificate — The applicant is a commercial fixed-wing and helicopter pilot who had a serious traumatic brain injury (TBI) and multiple other major injuries following a skydiving accident in March 2018. His mental and physical health have improved significantly, and he now wishes to return to unrestricted flying. In June 2021, the applicant was informed by Transport Canada (TC) that he did not meet the required medical standards of the <i>Canadian Aviation Regulations (CARs)</i>, Standard 424.17(4), Medical Requirements Table, Medical Category 1, paragraph 1.4(d). However, it was noted that the Regional Aviation Medical Officer (RAMO) had recommended the application of flexibility. As a result, the applicant's unrestricted category 1 aviation medical certificate was not renewed, and he was issued a restricted category 1 aviation medical certificate, providing he meets the stated conditions, including that he be accompanied by another pilot who holds an unrestricted, medically valid pilot licence with the appropriate category, class, and rating for the intended flight. Under the post-traumatic epilepsy (PTE) section of the International Civil Aviation Organization (ICAO) <i>Manual of Civil Aviation Medicine</i> (ICAO manual), it states that the risk of seizures following TBI is a major concern, and that subdural hematoma confers increased risk. The presence of blood (hemosiderin) within the parenchyma is of major concern since PTE is believed to be an "iron driven" phenomenon, as stated in paragraphs 10.4.13 of the ICAO manual. The Aviation Medical Review Board (AMRB) neurologist, in his later assessment, noted that the applicant has had a subdural hematoma, as well as deposits of blood in both hemispheres of his brain and therefore is at a greater risk of PTE because of this. The applicant argued that TC has ignored the advice from his doctors that he is fit to fly unrestricted again. The member finds that there is no evidence that they have been trained in the specialty of aviation medicine or that they have knowledge of the aviation medical guidelines and legislation. The member finds that the decision by the Minister of Transport (Minister) to refuse to renew the applicant's unrestricted aviation medical certificate, and to apply flexibility with a restricted aviation medical certificate, was justified. The Minister applied the ICAO and TC guidelines very reasonably. The level of risk was assessed by the AMRB as more than 2 per cent. This assessment takes precedence over any estimation by the applicant that his risk of PTE at present is less than 1 per cent. The ARMB's decision to refuse to renew and restrict the aviation medical certificate is in accordance with the policy of up to five years' observation. This was a remarkable unanimous decision by all 12 physicians at a fourth AMRB meeting that resulted in the recommendation that the applicant must currently fly with a safety pilot.</p>	
APPEAL	
DATE OF DECISION	
MEMBERS	
DECISION	

REASONS FOR THE DECISION	
	OTHER/COMMENTS