

GENERAL INFORMATION	
KEYWORDS	Marine medical certificate, heart disease, implantable cardioverter defibrillator (ICD)
FILE NO.	MA-0632-28
SECTOR (Marine or Aviation)	Marine
SPECIFIC JOB	
DIAGNOSIS (Primary, Secondary, etc.)	Arrhythmogenic Right Ventricular Cardiomyopathy (ARVC)
REVIEW	
DATE OF DETERMINATION	January 21, 2022
MEMBER	Dr. Peter Seviour
DETERMINATION	The Minister of Transport's decision to refuse to issue a marine medical certificate is confirmed.
REASONS FOR THE DETERMINATION	
<p>Refusal to issue a marine medical certificate (MMC) — Transport Canada (TC) advised the applicant that, resulting from his implantable cardioverter defibrillator (ICD) firing, he is unfit to hold an MMC. Testimony and submissions to the Tribunal, including confirmation by the treating cardiologist, confirmed that the applicant tested positive for a gene associated with a rare medical condition, Arrhythmogenic Right Ventricular Cardiomyopathy (ARVC). This gene puts the applicant at risk for sudden cardiac death, and as such, he agreed to have an ICD implanted prophylactically. Following review of his file by the Marine Medical Unit (MMU), the applicant was issued an MMC with the limitations of “no watchkeeping” duties and “limited, contiguous waters voyage.” The MMU made note that this decision was based on the fact that the ICD was for prophylaxis following genetic screening but stipulated that in the event of an ICD firing, he would be deemed “unfit.” In early 2017, a marine medical examiner (MME) informed TC by email that he had become aware that the applicant's ICD had recently fired, in keeping with the MME's legal obligation to inform TC of any medical changes of a seafarer holding an MMC. Due to this ICD firing, the applicant's MMC was suspended. Following a further review by TC, the applicant was considered unfit to hold an MMC. Having reviewed the evidence provided to the Tribunal during the hearing, the member found that it is evident that TC has chosen to follow the direction given to the applicant in which they deemed him fit but with the stipulation that should the ICD fire at any time, he would be deemed unfit. The member concludes that TC's decision is consistent with the terms of the International Labour Organization (ILO) and International Maritime Organization (IMO) <i>Guidelines on the medical examinations of seafarers</i> that any seafarer with an ICD is automatically unfit. While the applicant functions primarily in a housekeeping role, his inherent risk of sudden incapacitation, should the ICD fire in the future, has potential negative implications for both the vessel and its occupants. As such, the Tribunal believes the evidence shows that the applicant does not meet the medical standards under paragraph 270(1)(d) of the <i>Marine Personnel Regulations</i>, in that he does not satisfy the physical and mental fitness required to meet the occupational and operational requirements of the position that he occupied.</p>	
APPEAL	
DATE OF DECISION	
MEMBERS	
DECISION	
REASONS FOR THE DECISION	
OTHER/COMMENTS	