U.S. Department
of Transportation
**Federal Aviation
Administration**

Office of the Chief Counsel

Office of the Chief Counsel
800 Independence Ave., SW.
Washington, DC 20591

MAR 14 2014

Mr. Joshua L. Fenton
[redacted]

Dear Mr. Fenton:

This is in response to your letter requesting an interpretation of 14 C.F.R. part 67 – Medical Standards and Certification. Specifically, you asked about the circumstances that would require an airman to respond "Yes" to question 18(n) on an application for airman medical certification.

Question 18(n) on the medical application asks whether the airman has ever been diagnosed with, had, or presently has "substance dependence, or failed a drug test ever; or substance abuse or use of illegal substance in the last 2 years." FAA regulations define substance abuse to include an alcohol test result of 0.04 or greater alcohol concentration on a test required by the U.S. Department of Transportation. Therefore, an airman must answer "Yes" to question 18(n) if he has had an alcohol test result of 0.04 or greater alcohol concentration on a DOT-required test in the last two years. In addition, the individual who has an alcohol test result of 0.04 or greater alcohol concentration on a DOT-required test in the last two years must respond "Yes" to question 18(o) on the application for airman medical certification, which asks if the airman has a history of alcohol dependence or abuse. In regard to the issue of whether the test administered to your client under 14 C.F.R. part 120 and 49 C.F.R. part 40 was appropriate, the medical application requires an applicant to provide an explanation for any "Yes" answer. We encourage your client to fully explain the circumstances of his positive test result.

We hope this response has been helpful. If you have any additional questions, or need further information, please contact my staff at (202) 267-3073. This response was prepared by Neal O'Hara, an attorney in the International Law, Legislation, and Regulations Division of the Office of the Chief Counsel, and was coordinated with the Enforcement Division of the Office of the Chief Counsel and the Office of Aerospace Medicine.

Sincerely,

Mark W. Bury
Assistant Chief Counsel for International Law,
Legislation and Regulations, AGC-200