

lumbar subluxation. OWCP regulations provide that a chiropractor may interpret his own x-rays to the same extent as any other physician and do not require that an x-ray film or x-ray report be submitted. Instead, the regulations provide that the x-ray or a report of the x-ray be made available for submittal upon request.² As Dr. Dow diagnosed a spinal subluxation based on a review of x-rays, he is a physician under FECA.³ Since OWCP erroneously found Dr. Dow was not a physician under section 8101(2) of FECA, the case must be remanded for OWCP to properly consider the evidence submitted by Dr. Dow.⁴ After such further development as OWCP deems necessary, it should issue an appropriate merit decision.

IT IS HEREBY ORDERED THAT the Office of Workers' Compensation Programs' decision dated June 1, 2010 is set aside and the case remanded to OWCP for further action consistent with this order of the Board.

Issued: May 25, 2011
Washington, DC

Richard J. Daschbach, Chief Judge
Employees' Compensation Appeals Board

Alec J. Koromilas, Judge
Employees' Compensation Appeals Board

Colleen Duffy Kiko, Judge
Employees' Compensation Appeals Board

² See 20 C.F.R. § 10.311(c).

³ The term physician includes chiropractors only to the extent that their reimbursable services are limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by x-ray to exist and subject to regulation by the Secretary. 5 U.S.C. § 8101(2); see also *Paul Foster*, 56 ECAB 208 (2004); *D.S.*, Docket No. 09-860 (issued November 2, 2009).

⁴ In light of the disposition of this matter, it is not necessary to hold oral argument.