



submitted by a claimant and received by OWCP prior to the issuance of its final decision.<sup>2</sup> In its decision, OWCP mentioned that the medical evidence submitted by appellant on reconsideration preceded the period of recurrence. In making this determination, it failed to address the reports submitted by Dr. Xavier T. Tipler, a chiropractor. In support of her claim, she submitted a work release form signed by Dr. Tipler, indicating that he treated appellant from May 25 through June 8, 2012, and that she was expected to return to work on June 8, 2012 with restrictions of avoiding all lifting, pushing and pulling over 30 pounds. In addition, in a duty status report dated July 11, 2012, Dr. Tipler indicated that appellant injured her low back while performing her job duties and listed her restrictions. The record also contains extensive treatment notes by Dr. Tipler dated from May 29 through July 24, 2012. In these notes, Dr. Tipler discussed appellant's x-rays. He also noted that vertebral subluxations were found to be present in appellant's cervical thoracic, lumbar and pelvic regions. Dr. Tipler further noted that chiropractic adjustments were performed and that the mid-term goal of his treatment was to correct the subluxation patterns that were found on x-ray, correct postural distortions, decrease muscle spasms, increase muscle tone, lengthen muscle fibers, increase flexibility, reduce adhesions, reduce scar tissue and to increase joint mobility and range of motion. A chiropractor is considered a physician to the extent that his reimbursable services are limited to treatment consisting of manual manipulation of the spine to correct a subluxation as demonstrated by x-ray to exist.<sup>3</sup> OWCP never mentioned Dr. Tipler's reports or discussed whether he was a physician under FECA.<sup>4</sup>

The Board finds that this case is not in posture for decision as OWCP did not review all the relevant evidence before issuing its decision. Following any necessary further development, OWCP shall issue a *de novo* decision on appellant's recurrence of disability claim.

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<sup>2</sup> See *William A. Couch*, 41 ECAB 548 (1990).

<sup>3</sup> 5 U.S.C. § 8101(2); *Merton J. Sills*, 39 ECAB 572, 575 (1988).

<sup>4</sup> *Id.*

**IT IS HEREBY ORDERED THAT** the decision of the Office of Workers' Compensation Programs dated August 29, 2012 is set aside and the case is remanded for further development consistent with this order of the Board.

Issued: June 14, 2013  
Washington, DC

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

Colleen Duffy Kiko, Judge  
Employees' Compensation Appeals Board

Patricia Howard Fitzgerald, Judge  
Employees' Compensation Appeals Board