IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA

NOT FINAL UNTIL TIME EXPIRES TO FILE MOTION FOR REHEARING AND DISPOSITION THEREOF IF FILED

JAMES A. FLOWERS,

Appellant,

v.

CASE NO. 1D03-0619

ACOUSTI ENGINEERING COMPANY OF FLORIDA and COMMERCIAL RISK MANAGEMENT, INC.,

Appellees.
_____/

Opinion filed December 10, 2004.

An appeal from order of the Judge of Compensation Claims.
S. Scott Stephens, Judge.

T. Rhett Smith and Teresa E. Liles, of T. Rhett Smith, P.A., Pensacola, for Appellant.

Roderic G. Magie, Pensacola, for Appellees.

PER CURIAM.

Reviewing *de novo* the interpretation of section 440.14(1)(a) & (1)(d), Florida

Statutes (1987), which is a question of law, see BellSouth Telecomm, Inc. v. Weeks, 863 So. 2d 287, 289 (Fla. 2003), we conclude that the Judge of Compensation Claims correctly construed the statute in using Appellant/Claimant's average weekly wage "at the time of the injury,"----*i.e.*, the date of his 1988 industrial accident rather than the 2001 date when he was determined to be permanently, totally disabled---- as the proper basis for computing compensation. See James v. Armstrong World Indus., Inc., 864 So. 2d 1132 (Fla. 1st DCA 2003); Karnes v. City of Boca Raton, 858 So. 2d 1264 (Fla. 1st DCA 2003).

AFFIRMED.

BROWNING, LEWIS and POLSTON, JJ., CONCUR.