

[Cite as *In re Zerkle*, 2016-Ohio-8610.]

IN RE: FRED ZERKLE

FRED ZERKLE

Applicant

Case No. 2016-00313-VI

Judge Patrick M. McGrath

ORDER

{¶1} On July 27, 2016, a hearing was held in this matter before a magistrate of this court. On September 23, 2016, the magistrate issued a decision wherein he found that applicant failed to prove he was a victim of terrorism as defined in R.C. 2743.51(R)(1)-(3), since he was not on the scene when the violent act or act dangerous to human life occurred. His arrival at the scene of the 911 terrorist act in New York City occurred months after the terrorist act and he could not qualify as an indirect victim of crime pursuant to *In re Clapacs*, 58 Ohio Misc.2d 1, 567 N.E.2d 1351 (Ct. of Cl. 1989). Accordingly, the Attorney General's Final Decision was affirmed.

{¶2} Civ.R. 53(D)(3)(b)(i) states, in part: "A party may file written objections to a magistrate's decision within fourteen days of the filing of the decision, whether or not the court has adopted the decision during that fourteen-day period as permitted by Civ.R. 53(D)(4)(e)(i)." No objections were filed.

{¶3} Upon review of the claim file, and the magistrate's decision, it is the court's finding that the magistrate was correct in his analysis of the issues and application of the law. Accordingly, this court adopts the magistrate's decision and recommendation as its own.

IT IS HEREBY ORDERED THAT

- 1) The September 23, 2016 decision of the magistrate is ADOPTED;
- 2) This claim is DENIED and judgment entered for the state of Ohio;
- 3) Costs assumed by the reparations fund.

PATRICK M. MCGRATH
Judge

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Sent to S.C. reporter 2/28/17