

FINAL ORDER – THIS PROPOSED FINAL DISPOSITION BECAME THE FINAL ORDER OF THE COMMISSION ON SEPTEMBER 9, 2019 PURSUANT TO SECTION 165.7(e)(2) OF THE WHISTLEBLOWER RULES, 17 C.F.R. PART 165, ADOPTED PURSUANT TO SECTION 23 OF THE COMMODITY EXCHANGE ACT, 7 U.S.C. § 26.

*In the Matter of Form*

Redacted

### **PROPOSED FINAL DISPOSITION OF THE WHISTLEBLOWER OFFICE**

The Commodity Futures Trading Commission (the “Commission”) received the above-referenced whistleblower award claim from Redacted (“Claimant”). The Whistleblower Office of the Commission has reviewed the whistleblower award claim filed on Form WB-APP. The Whistleblower Office identified that Claimant’s WB-APP was deficient, given that it does not relate to a Notice of Covered Action. Pursuant to 17 C.F.R. § 165.7(e)(1) (2018), on June 10, 2019, the Whistleblower Office notified Claimant in writing of the identified deficiency in the Form WB-APP and provided Claimant with an opportunity to correct the deficiency or to withdraw the Form WB-APP. Claimant had thirty (30) days from the date of the notification letter to respond and to correct the deficiency.

Pursuant to § 165.7(e)(1), if a claimant does not respond to the notice of deficiency within thirty (30) days or if the response does not include information showing that the WB-APP relates to a Notice of Covered Action, a final judgment in a related action, or a previously filed Form TCR, the Whistleblower Office will issue a Proposed Final Disposition.

Claimant failed to submit a response to the Whistleblower Office’s written notification of the deficiency. Accordingly, Claimant’s award claim is hereby denied.

Pursuant to § 165.7(e)(2), on August 8, 2019, the Whistleblower Office notified the Claims Review Staff of this Proposed Final Disposition. Claimant’s failure to submit a timely response to the written notice from the Whistleblower Office constitutes a failure to exhaust administrative remedies, and Claimant will be prohibited from pursuing an appeal under § 165.13.

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Notice of Covered Action     Redacted

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Claimant failed to submit a response to the Whistleblower Office’s written notification of the deficiencies. Accordingly, Claimant’s award claim is hereby denied.

Pursuant to § 165.7(e)(2), on August 8, 2019, the Whistleblower Office notified the Claims Review Staff of this Proposed Final Disposition to deny Claimant’s award claim. Claimant’s failure to submit a timely response to the written notice from the Whistleblower Office constitutes a failure to exhaust administrative remedies, and Claimant will be prohibited from pursuing an appeal under §165.13.

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<sup>1</sup> In further support of this disposition, and prior to sending the June 10, 2019 notification letter, the Whistleblower Office confirmed with Division of Enforcement staff assigned to the enforcement action related to Notice of Covered Action Redacted that Claimant did not contribute to that enforcement action.

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Pursuant to § 165.7(e)(2), on August 8, 2019, the Whistleblower Office notified the Claims Review Staff of this Proposed Final Disposition. Claimant’s failure to submit a timely response to the written notice from the Whistleblower Office constitutes a failure to exhaust administrative remedies, and Claimant will be prohibited from pursuing an appeal under § 165.13.



FINAL ORDER – THIS PROPOSED FINAL DISPOSITION BECAME THE FINAL ORDER OF THE COMMISSION ON SEPTEMBER 9, 2019 PURSUANT TO SECTION 165.7(e)(2) OF THE WHISTLEBLOWER RULES, 17 C.F.R. PART 165, ADOPTED PURSUANT TO SECTION 23 OF THE COMMODITY EXCHANGE ACT, 7 U.S.C. § 26.

*In the Matter of Form*

Redacted

## **PROPOSED FINAL DISPOSITION OF THE WHISTLEBLOWER OFFICE**

The Commodity Futures Trading Commission (the “Commission”) received the above-referenced whistleblower award claim from Redacted (“Claimant”). The Whistleblower Office of the Commission has reviewed the whistleblower award claim filed on Form WB-APP. The Whistleblower Office identified that Claimant’s WB-APP was deficient, given that it does not relate to a Notice of Covered Action. Pursuant to 17 C.F.R. § 165.7(e)(1) (2018), on June 10, 2019, the Whistleblower Office notified Claimant in writing of the identified deficiency in the Form WB-APP and provided Claimant with an opportunity to correct the deficiency or to withdraw the Form WB-APP. Claimant had thirty (30) days from the date of the notification letter to respond and to correct the deficiency.

Pursuant to § 165.7(e)(1), if a claimant does not respond to the notice of deficiency within thirty (30) days or if the response does not include information showing that the WB-APP relates to a Notice of Covered Action, a final judgment in a related action, or a previously filed Form TCR, the Whistleblower Office will issue a Proposed Final Disposition.

Claimant responded to the Whistleblower Office’s written notification of the deficiency on or about June 19, 2019. After further review of the Claimant’s submission, the Whistleblower Office has confirmed that Claimant’s award application does not relate to a Notice of Covered Action. Claimant failed to correct this deficiency identified in the Whistleblower Office’s June 10, 2019 letter.<sup>1</sup>

Pursuant to § 165.7(e)(2), on August 8, 2019, the Whistleblower Office notified the Claims Review Staff of this Proposed Final Disposition. Based on Claimant’s award application and the Claimant’s response to the notification letter, the Whistleblower Office has determined to deny Claimant’s claim for award, given that the award application does not relate to a Notice of Covered Action. Accordingly, Claimant’s award claim is hereby denied.

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<sup>1</sup> Claimant called and left a voicemail on June 19, 2019, requesting further clarification of the June 10, 2019 deficiency letter. On June 20, 2019, the Whistleblower Office responded by email and explained that, pursuant to 17 C.F.R. § 165.7(a), the Commission will publish on the Whistleblower Office’s website a “Notice of Covered Action” when a Commission judicial or administrative action results in monetary sanctions totaling more than \$1,000,000. The Whistleblower Office’s response also invited Claimant to inform the Whistleblower Office of the judicial or administrative action brought by the Commission for which Claimant is seeking an award.

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Claimant responded to the Whistleblower Office’s written notification of the deficiency by email on or about July 6, 2019 and July 10, 2019. After further review of the Claimant’s submissions, the Whistleblower Office has confirmed that Claimant’s award application does not relate to a Notice of Covered Action. Claimant failed to correct this deficiency identified in the Whistleblower Office’s June 10, 2019 letter.

Pursuant to § 165.7(e)(2), on August 8, 2019, the Whistleblower Office notified the Claims Review Staff of this Proposed Final Disposition. Based on Claimant’s award application and the Claimant’s responses to the notification letter, the Whistleblower Office has determined to deny Claimant’s claim for award, given that the award application does not relate to a Notice of Covered Action. Accordingly, Claimant’s award claim is hereby denied.

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Claimant responded to the Whistleblower Office’s written notification of the deficiency by email on or about June 13, 2019. After further review of the Claimant’s submission, the Whistleblower Office has confirmed that Claimant’s award application does not relate to a Notice of Covered Action. Claimant failed to correct this deficiency identified in the Whistleblower Office’s June 10, 2019 letter.

Pursuant to § 165.7(e)(2), on August 8, 2019, the Whistleblower Office notified the Claims Review Staff of this Proposed Final Disposition. Based on Claimant’s award application and the Claimant’s response to the notification letter, the Whistleblower Office has determined to deny Claimant’s claim for award, given that the award application does not relate to a Notice of Covered Action. Accordingly, Claimant’s award claim is hereby denied.

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Claimant failed to submit a response to the Whistleblower Office’s written notification of the deficiency. Accordingly, Claimant’s award claim is hereby denied.

Pursuant to § 165.7(e)(2), on September 9, 2019, the Whistleblower Office notified the Claims Review Staff of this Proposed Final Disposition. Claimant’s failure to submit a timely response to the written notice from the Whistleblower Office constitutes a failure to exhaust administrative remedies, and Claimant will be prohibited from pursuing an appeal under § 165.13.

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Pursuant to § 165.7(e)(2), on August 8, 2019, the Whistleblower Office notified the Claims Review Staff of this Proposed Final Disposition. Based on Claimant’s award application and the Claimant’s response to the notification letter, the Whistleblower Office has determined to deny Claimant’s claim for award, given that the award application does not relate to a Notice of Covered Action. Accordingly, Claimant’s award claim is hereby denied.

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<sup>1</sup> In addition, on June 11, 2019, Claimant sent an email requesting further clarification of the June 10, 2019 deficiency letter. On June 12, 2019, the Whistleblower Office responded by email and explained that, pursuant to 17 C.F.R. § 165.7(a), the Commission will publish on the Whistleblower Office’s website a “Notice of Covered Action” when a Commission judicial or administrative action results in monetary sanctions totaling more than \$1,000,000. The Whistleblower Office’s response also invited Claimant to inform the Whistleblower Office of the judicial or administrative action brought by the Commission for which Claimant is seeking an award.

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Redacted

### **PROPOSED FINAL DISPOSITION OF THE WHISTLEBLOWER OFFICE**

The Commodity Futures Trading Commission (the “Commission”) received the above-referenced whistleblower award claim from Redacted (“Claimant”). The Whistleblower Office of the Commission has reviewed the whistleblower award claim filed on Form WB-APP. The Whistleblower Office identified that Claimant’s WB-APP was deficient, given that it does not relate to a Notice of Covered Action. Pursuant to 17 C.F.R. § 165.7(e)(1) (2018), on June 10, 2019, the Whistleblower Office notified Claimant in writing of the identified deficiency in the Form WB-APP and provided Claimant with an opportunity to correct the deficiency or to withdraw the Form WB-APP. Claimant had thirty (30) days from the date of the notification letter to respond and to correct the deficiency.

Pursuant to § 165.7(e)(1), if a claimant does not respond to the notice of deficiency within thirty (30) days or if the response does not include information showing that the WB-APP relates to a Notice of Covered Action, a final judgment in a related action, or a previously filed Form TCR, the Whistleblower Office will issue a Proposed Final Disposition.

Claimant failed to submit a response to the Whistleblower Office’s written notification of the deficiency. Accordingly, Claimant’s award claim is hereby denied.

Pursuant to § 165.7(e)(2), on August 8, 2019, the Whistleblower Office notified the Claims Review Staff of this Proposed Final Disposition. Claimant’s failure to submit a timely response to the written notice from the Whistleblower Office constitutes a failure to exhaust administrative remedies, and Claimant will be prohibited from pursuing an appeal under § 165.13.