

FINAL ORDER – THIS PRELIMINARY DETERMINATION BECAME THE FINAL ORDER OF THE COMMISSION ON OCTOBER 5, 2021 PURSUANT TO SECTION 165.7(h) 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 Claims for Award by:)
)
 Redacted (“Claimant 1”),)
 Form WB-APP Redacted)
)
 Redacted (“Claimant 2”),)
 Form WB-APP Redacted and)
)
 Redacted (“Claimant 3”),)
 Form WB-APP Redacted)
)
 In Connection with)
 Noticed of Covered Action No. Redacted)
)

PRELIMINARY DETERMINATION OF THE CLAIMS REVIEW STAFF

The Commodity Futures Trading Commission (“Commission”) received whistleblower award applications from Claimant 1, Claimant 2, and Claimant 3 (collectively, “Claimants”) in response to the above-referenced Notice of Covered Action. The corresponding enforcement action is Redacted

(“Covered Action”). In the Covered Action, Redacted

The Claims Review Staff (“CRS”) has evaluated Claimants’ award claims for the Covered Action in accordance with the Commission’s Whistleblower Rules (“Rules”), 17 C.F.R. pt. 165 (2020), promulgated pursuant to Section 23 of the Commodity Exchange Act (“CEA” or “Act”), 7 U.S.C. § 26 (2018). The CRS sets forth its Preliminary Determination for each Claimant as follows:

1. The CRS has determined to recommend that the Commission deny all three applications because they do not the meet requirements for an award.

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2. Claimant 3 is unknown to staff in the CFTC's Division of Enforcement ("Division staff") in connection with the investigation underlying the Covered Action. Division staff responsible for the matter never contacted Claimant 3 during the investigation, and a search of the Division's database for the Covered Action did not uncover any documents under Claimant 3's name.

3. Division staff also had no contact with Claimant 2 during the investigation, and Claimant 2 never submitted a Form TCR and is therefore not a whistleblower.

4. Although Claimant 1 provided information to the Division during the investigation, Claimant 1 never submitted the information on a Form TCR for this matter, which is required for award consideration. Even if Claimant 1 had provided his or her information on a Form TCR, however, Claimant 1's information did not lead to the successful resolution of the Covered Action. *See* 17 C.F.R. § 165.5(a)(3). Claimant 1 Redacted

In addition, Claimant 1's complaint was not a Form TCR.

5. Claimant 1's information also did not "significantly contribute[]" to the success of the action," *id.* § 165.2(i)(2). After receiving his or her complaint Redacted, Division staff attempted to schedule an interview with Claimant 1. Despite leaving several messages for Claimant 1 by email and telephone Redacted Division staff was unable to interview Claimant 1. Division staff did not hear from Claimant 1 again until almost three years later.

PUBLIC VERSION

6. On Redacted, Claimant 1 emailed Division staff wanting to provide information Redacted. Division staff then interviewed Claimant 1 Redacted. While Division staff found Claimant 1 to be credible, Division staff identified some evidentiary issues regarding the admissibility of these Redacted.

7. Even before Claimant 1 contacted Division staff in Redacted, Division staff had already obtained information from numerous other sources. The Division received multiple Redacted.

Moreover, Division staff obtained documents and materials produced directly by Redacted.

The Division also obtained Redacted. In light of all of the above, Claimant 1 did not significantly contribute to the success of the Covered Action.

PUBLIC VERSION

Dated: August 3, 2021

Whistleblower Claims Review Staff
Commodity Futures Trading Commission
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