

UNITED STATES OF AMERICA
Before the
COMMODITY FUTURES TRADING COMMISSION

In the Matter of Claim for Award by:

Redacted ("Claimant"),
Redacted

CFTC Whistleblower Award
Determination No. 23-WB-02

In Connection with
Notice of Covered Action No. Redacted

ORDER DETERMINING WHISTLEBLOWER AWARD CLAIM

The Commodity Futures Trading Commission ("Commission") received a whistleblower award application from Redacted ("Claimant") in response to the Commission's Notice of Covered Action No. Redacted regarding Redacted

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The Claims Review Staff ("CRS") evaluated Claimant's application in accordance with the Commission's Whistleblower Rules ("Rules"), 17 C.F.R. pt. 165, promulgated pursuant to Section 23 of the Commodity Exchange Act ("CEA" or "Act"), 7 U.S.C. § 26. On Redacted, the CRS issued a Preliminary Determination recommending that Claimant's application be denied because his/her application fails to meet the requirements of Section 23 of the Act and the Rules. On Redacted, Claimant submitted a timely request for reconsideration of the Preliminary Determination. After reviewing Claimant's arguments for reconsideration and the additional evidence that the Commission's Whistleblower Office ("WBO") obtained in relation to Claimant's reconsideration request, the CRS recommended that the Commission deny Claimant's application.

For the reasons set forth below, we agree with the CRS' determination. Accordingly, Claimant's award application is denied.

I. BACKGROUND

On Redacted, the CRS issued a Preliminary Determination recommending denying the Claimant's whistleblower award application because his/her application fails to meet the requirements of Section 23 of the Act and the Rules. Although Claimant voluntarily provided the Commission with original information, this information did not lead to the successful enforcement of a judicial or administrative action. The CRS determined that the Commission's Division of Enforcement ("Division") concluded its investigation before the Claimant submitted his/her information. Moreover, it determined that the Commission did not commence its

investigation as a result of Claimant's TCR submissions, and that no information provided by Claimant was used in connection with the Redacted or contributed to the resolution of the investigation.

Claimant sought reconsideration of that determination based on possible assistance that he/she provided to the Redacted in a related, Redacted investigation. In his/her brief letter, Claimant states that he/she submitted information to the Redacted, and that the preliminary determination does not analyze his/her submissions. Claimant notes that the Commission's press release on the Redacted acknowledges the valuable assistance provided by the Redacted. Claimant provided no additional documents in support of his/her argument.

II. LEGAL ANALYSIS

Upon review of the record, we determine that Claimant did not provide information that led to the successful enforcement of the Covered Action.

To be eligible for an award, a Claimant must have provided information that led to the successful resolution of the covered action. *See* CEA § 23(b)(1), 7 U.S.C. § 26(b)(1); Rules 165.2(i), 165.5(a), 17 C.F.R. §§ 165.2(i), 165.5(a). In its Preliminary Determination, the CRS found that the information that Claimant submitted to the Commission did not lead to the successful resolution of the Redacted investigation.

In Claimant's request for reconsideration, Claimant requested an analysis of the information he/she provided the Redacted, both of which assisted the Commission in its investigation. However, Claimant's description and documentation of this information contain nothing related to the Covered Action beyond the information in his/her TCR submissions that the CRS already considered in its Preliminary Determination. In terms of the Redacted use of his/her information, Claimant only cites the Commission's press release regarding the Redacted. Claimant makes no attempt to connect any facts in the press release to his/her submissions to the Redacted, and did not allege any facts, which, if proven true, would support a conclusion that his/her information contributed to the Commission's investigation of Redacted.

Furthermore, WBO staff interviewed Redacted staff who were either involved in the Redacted investigation and/or had communicated with Claimant. Based on these interviews, and its review of the record on reconsideration, the CRS found that Claimant did not provide the Redacted information that could have significantly contributed to the Commission's investigation of Redacted. Because the Claimant did not provide the Commission with information that significantly contributed to the Redacted, the CRS recommended that Claimant's award application be denied. We agree with the CRS's determination and the recommendation of the CRS with respect to Claimant's award application is adopted.

III. CONCLUSION

Accordingly, it is hereby ORDERED that Claimant's whistleblower award claim be, and hereby is, denied.

By the Commission.

A handwritten signature in black ink that reads "Robert Sidman". The signature is written in a cursive style with a horizontal line underneath it.

Robert Sidman
Deputy Secretary of the Commission
Commodity Futures Trading Commission
1155 21st Street, N.W.
Washington, DC 20581

Dated: February 21, 2023