

FINAL ORDER – THIS PRELIMINARY DETERMINATION BECAME THE FINAL ORDER OF THE COMMISSION ON MAY 3, 2023 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 Claim for Related Action Award by:)
Redacted (“Claimant”),)
Redacted)
In Connection with)
Notice of Covered Action No. Redacted)
)

PRELIMINARY DETERMINATION OF THE CLAIMS REVIEW STAFF

The Commodity Futures Trading Commission (“Commission”) received a related action award application on Form WB-APP from Claimant for Redacted (“Action” or “Order”), an action by Redacted (“Authority”). Claimant associated this Action with Redacted (“Covered Action” or “CFTC Order”), the Covered Action that was the subject of the above-referenced Notice of Covered Action. The instant Order imposed monetary sanctions of Redacted .

The Claims Review Staff (“CRS”) has 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 (“Act”), 7 U.S.C. § 26. The CRS sets forth its Preliminary Determination as follows:

1. The CRS has determined to recommend that the Commission deny Claimant’s application because it fails to meet the requirements of Section 23 of the Act and the Rules.

2. A related action must be “based on the original information that the whistleblower voluntarily submitted to the Commission and led to a successful resolution of the Commission judicial or administrative action.” *See* 17 C.F.R. § 165.11(a)(2).

3. The instant Action was not based on any information from Claimant because Claimant’s information was not shared with the Authority by Claimant or the Commission. *See* CFTC Whistleblower Award Determination No. 21-WB-07, 2021 WL 6753647 (Oct. 15, 2021), at 6.

- Claimant’s related action award application contains the concession that Claimant did not provide any substantive information directly to staff of the Authority.
- Division of Enforcement (“Division”) staff assigned to the investigation leading to the Covered Action did not share any files from the Covered Action, identify Claimant as a whistleblower, or disclose that a whistleblower had contributed information to the Authority. Division staff had only high-level conversations with the Authority Redacted

- The Authority did not receive any of Claimant’s information from the Commission. Staff of the Authority reported having no documents from the Commission in their files related to the instant Action. Nor were staff of the Authority aware of any information from the Commission, including from any whistleblowers, that contributed to the Authority’s Action.

4. According to staff of the Authority, the instant Action stemmed from Redacted

By: Whistleblower Claims Review Staff
Commodity Futures Trading Commission

Dated: March 3, 2023