PUBLIC VERSION

UNITED STATES OF AMERICA
Before the
COMMODITY FUTURES TRADING COMMISSION

In the Matter of Claims for Award by: Redacted "Claimant 1"), Form WB-APP Redacted Redacted "Claimant 2"), Form WB-APP Redacted Redacted "Claimant 3"), Form WB-APP Redacted Form WB-APP Redacted Redacted "Claimant 4"), Form WB-APP Redacted Redacted "Claimant 5"), Form WB-APP Redacted Form WB-APP Redacted In Connection with Notice of Covered Action No. Redacted	CFTC Whistleblower Award Determination No. 26-WB-27

ORDER DETERMINING WHISTLEBLOWER AWARD CLAIMS

The Commodity Futures Trading Commission ("Commission") received whistleblower award applications from the claimants referenced above in response to Notice of Covered Action No. Redacted . The corresponding CFTC action is Redacted . On Redacted , the Commission filed Redacted

The order required Redacted .

The Claims Review Staff ("CRS") evaluated all award claims 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. The CRS sets

forth its Preliminary Determination for each Claimant as follows. The Commission hereby adopts the CRS's recommendation as final.

I. PRELIMINARY DETERMINATION

The CRS recommended granting ** of monetary sanctions collected in the Covered Action to Claimant 1. Total award amount is subject to receipt and confirmation of additional records showing monetary sanctions collected. All remaining claims are denied. A summary chart is provided below.

Claimant	Recommendation	Positive or Increase Factors	Negative or Decrease Factors
Claimant 1	**	• Redacted provided significant information to the CFTC that supported all ** charges the CFTC brought against Redacted • Redacted information was the crucial evidence that led Division staff directly to the successful prosecution of the Redacted . • First to alert the CFTC to ** use of illegal Redacted . Charge is first of its kind in CFTC history.	Culpability
Claimant 2	Denial – Disqualified because of criminal conviction	Disqualified	Disqualified
Claimant 3	Denial – Did not lead to successful enforcement of the Covered Action	N/A	N/A
Claimant 4	Denial - Did not lead to successful enforcement of the Covered Action	N/A	N/A
Claimant 5	Denial - Did not lead to successful enforcement of the Covered Action	N/A	N/A

The Rules provide every award claimant an opportunity to review the administrative record and respond to the PD. Claimant 1 accepted the proposed award amount in writing. Claimant 2 accepted the denial in writing. Claimant 3 submitted a reconsideration request. Claimant 4 and Claimant 5 did not respond to the PD. Pursuant to Rule 165.7(h), 17 C.F.R. § 165.7(h), the PD became the Final Order for the uncontested denied claims.

II. COMMISSION REVIEW

Under Rule 165.7(h), after the window to contest the PD has closed, every PD in which the CRS recommended an award becomes a Proposed Final Determination subject to Commission review. Pursuant to Rule 165.7(j), any Commissioner may request that the Commission review the full administrative record the CRS relied upon when issuing the PD, including all of the claimants' submissions, before the Commission issues the Final Determination. The Commission has statutory discretion to adopt, reject, or modify any part of the CRS's recommendation, including whether to grant an award and what amount to grant to each qualified claimant.

Here, the Commission adopts the CRS's recommendation to grant an award to Claimant 1 because Claimant 1 met all award requirements. Claimant 1 voluntarily provided the Commission with original information that led to the successful enforcement of the Covered Action. *See* 7 U.S.C. § 26(b)(1); 17 C.F.R. § 165.5(a). Claimant 1 also met all eligibility requirements and does not belong to any category of ineligible individuals.

Under Section 23(c)(1)(A) of the CEA, the determination of any whistleblower award amount is within the Commission's discretion. 7 U.S.C. § 26(c)(1)(A) ("The determination of the amount of an award made under subsection (b) shall be in the discretion of the Commission."); 17. C.F.R. § 165.9. The Commission must consider certain statutory factors when determining the award amount. *See* 7 U.S.C. § 26(c)(1)(A)–(B). The Rules governing the whistleblower program incorporated the statutory factors and added more factors that may increase or decrease the award amount. *Id.* § 26(c)(1)(B); 17 C.F.R. § 165.9. Each award determination involves a highly individualized review of the facts and circumstances.

The Commission adopts the CRS's recommended award amount as final. In arriving at the recommended award amount, the CRS appropriately applied relevant factors to the qualified award claim. The Commission also concurs with the CRS's recommendation to deny Claimant 3's reconsideration request.

III. RECONSIDERATION REQUEST

Claimant 3 argued that he/she is entitled to an award for exposing what he/she believed to be industrywide Redacted practices. As an initial matter, allegations of industry-wide practices, without more, are insufficient to survive a Rule 12(b)(6) motion to dismiss in federal courts. Courts have consistently held that to satisfy pleading standards, plaintiffs must draw a connection between the common industry practice and defendant's actual practice instead of solely relying on sector-wide allegations. *See, e.g.*, *Waggener Van Meter v. Mondelez Int'l, Inc.*, 2025 WL 3678444, at *8 (N.D. Ill. Dec. 18, 2025); *Tarzian v. Kraft Heinz Foods Co.*, 2019 WL 5064732, at *4 (N.D. Ill. Oct. 9, 2019) (dismissing plaintiffs' allegations about common industry practices and their "inferential leap" that defendant engaged in the same practices); *Dwyer v. Allbirds, Inc.*, 598 F. Supp. 3d 137, 152 (S.D.N.Y. 2022) (holding that plaintiff's allegations that industry as a whole deceives consumers do not satisfy plaintiff's burden to allege that a specific advertisement or statement defendant issued would mislead reasonable consumers); *In re Bear Stearns Mortg. Pass-Through Certificates Litig.*, 851 F. Supp. 2d 746, 764 (S.D.N.Y. 2012)

(stating that allegations of general industry-wide practices alone are insufficient to state a securities claim).

Such allegations are also insufficient to meet Rule 165.2(i)'s requirement that the whistleblower's information led to the successful enforcement of the covered action. Here, the record demonstrates that Claimant 3's generalized allegations did not lead to the success of the Redacted Action. First, the Commission's Redacted case team did not rely on Claimant 3's information to bring the Covered Action. While investigating Redacted the CFTC also investigated Redacted and Redacted for allegations of Redacted . Despite some similarities of the investigated conduct and violations, the Redacted ** and Redacted matters were still three very separate cases and factually distinct investigations the CFTC brought and resolved years apart, with CFTC announcing the Redacted action in ** ** in ** ** in **

The CFTC opened an investigation into Redacted in ** but the CFTC did not have an investigation into Redacted until four years later, when it received the referral from Redacted in ** Similarly, the CFTC did not open its ** investigation until it received a referral from Redacted in Redacted . The CFTC brought the Redacted Action almost a decade after it opened its Redacted investigation. There was no joint or several liability among the companies, and each investigation involved different Redacted , and other fact patterns. In light of the above, the CFTC Redacted case lead attorneys did not use or rely on Claimant 3's or Claimant 4's information to bring the CFTC's Redacted Action.

Second, Claimant 3's information did not significantly contribute to the success of the Redacted Action. Although Claimant 3 provided helpful information to Division staff in the Redacted and ** investigations, Claimant 3's information did not materially advance the Redacted investigation. This is because in Redacted unlike in ** the CFTC obtained the key information from Redacted —Claimant 1 and Claimant 2—who provided Redacted descriptions of Redacted . With ** ** specifically explaining how Redacted , the CFTC did not need to rely on either Claimant 3's generalized information about how Redacted took place at ** Redacted

The D.C. Circuit's June 2026 decision, *Kitchen v. CFTC*, 2026 WL 1615678, at *5 (D.C. Cir. June 5, 2026), is instructive. The court affirmed the Commission's decision to deny a whistleblower award to a trader who made allegations about benchmark manipulation that were "not nearly specific enough." *Id.* While the court recognizes that a whistleblower does not always know the full picture of a scheme, the whistleblower must provide some actionable detail. While there is some overlap in the staffing on the Redacted Redacted investigative teams because of the complexity of these matters, the principal attorneys who handled the Redacted investigation are not the same as the principal attorneys who handled the Redacted investigation. The principal attorneys who led the Redacted investigation and ultimately the Redacted Redacted learned everything they needed to learn from the ground up from other sources. These attorneys never spoke to or had other interactions with Claimant 3. The CFTC

simply could not have brought a Redacted case using either Claimant 3's information alone.

As for Claimant 3's alleged contribution to Redacted, Claimant 3 is again confusing the cases. While ** did use Claimant 3's information in its action against Redacted the ** did not use Claimant 3's information in its action against Redacted Redacted did not even charge Redacted with Redacted which is the gist of Claimant 3's general information. Further, Redacted built its ** case against Redacted on information it obtained from ** Redacted who faced Redacted .

IV. CONCLUSION

It is hereby ORDERED that Claimant 3's reconsideration request is denied. It is further ORDERED that Claimant 1 shall receive ** of the monetary sanctions collected in the Covered Action.

By the Commission.

Robert Sidman
Deputy Secretary of the Commission
Commodity Futures Trading Commission
1155 21st Street, N.W.
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Date: September 11, 2026