UNITED STATES OF AMERICA
Before the
COMMODITY FUTURES TRADING COMMISSION

Redacted ("Claimant 1"), Redacted ; Redacted ("Claimant 2"), Redacted ; Redacted ("Claimant 3"), Redacted ; Redacted ("Claimant 4"), Redacted ; Redacted ("Claimant 5"), Redacted ; Redacted ("Claimant 6"), Redacted ; and Redacted ("Claimant 7"), Redacted In Connection with Notice of Covered Action No. Redacted	CFTC Whistleblower Award Determination No. 26-WB-01

ORDER DETERMINING WHISTLEBLOWER AWARD CLAIMS

The Commodity Futures Trading Commission ("Commission") received whistleblower award applications on the above-listed Forms WB-APP from Claimant 1, Claimant 2,

Claimant 3, Claimant 4, Claimant 5, Claimant 6, and Claimant 7 in response to the above-referenced Notices of Covered Action ("NCAs").*

The Claims Review Staff ("CRS") has evaluated the applications 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 (a) Redacted

, and (b) the remaining claimants' award applications be denied.†

Claimant 2 and Claimant 5 timely requested reconsideration of the Preliminary Determination's denial of their award applications. After considering each of these claimants' arguments and supporting documentation, the CRS recommended denying these requests for reconsideration for the reasons provided below and adhering to its original recommendation for these claimants in its Proposed Final Determination. Claimant 1 and Claimant 6 did not submit a reconsideration request, so pursuant to Rule 165.7(h), 17 C.F.R. § 165.7(h), the Preliminary Determination for these claimants became the CRS's Proposed Final Determination. Claimant 3, Claimant 4, and Claimant 7 did not contest their respective recommendations for denial, so pursuant to the same Rule, these components of the Preliminary Determination have already become the Commission's Final Order and are not further discussed. Here, the Commission adopts the CRS's Proposed Final Determination regarding Claimant 1, Claimant 2, Claimant 5, and Claimant 6.

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* Redacted

† Redacted

Claimant	Recommendation/ Determination	Justification
Redacted (Claimant 1)	*** award	Provided information Redacted that significantly contributed to the successful enforcement of the Covered Action. No negative factors apply.
Redacted (Claimant 2)	Denial	Information did not lead to the opening of the investigation or significantly contributed to the successful enforcement of the Covered Action.
Redacted (Claimant 3)	Denied- Preliminary Determination became the Final Order	Redacted
Redacted (Claimant 4)	Denied- Preliminary Determination became the Final Order	Redacted
Redacted (Claimant 5)	Denial	Information did not significantly contribute to the successful enforcement of the Covered Action. Statutorily ineligible for an award due to Redacted .
Redacted (Claimant 6)	*** award	Provided information Redacted that significantly contributed to the successful enforcement of the Covered Action. No negative factors apply.
Redacted (Claimant 7)	Denied- Preliminary Determination became the Final Order	Redacted

I. PRELIMINARY DETERMINATION FOR CLAIMANT 1 AND CLAIMANT 6

The Preliminary Determination found that Claimant 1 and Claimant 6 met the requirements of Section 23 of the Act and the Rules. Claimant 1 and Claimant 6 voluntarily provided the Commission with original information that led to the successful enforcement of a covered action. 17 C.F.R. § 165.5(a). Each submitted a Form TCR and Form WB-APP, as required by Rule 165.5(b), 17 C.F.R. § 165.5(b). Further, Claimant 1 and Claimant 6 do not fall into any of the categories of individuals ineligible for an award, as set forth in Rule 165.6(a), 17 C.F.R. § 165.6(a).

The determination of the appropriate percentage of a whistleblower award involves a highly individualized review of the facts and circumstances. The analytical framework in the Rules provides general principles without mandating a particular result. The criteria for determining the amount of an award in Rule 165.9, 17 C.F.R. § 165.9(b), does not mean that the

presence of negative factors will result in an award percentage lower than 30%, nor does the absence of negative factors in Rule 165.9(c) mean the award percentage will be higher than 10%. Not all factors may be relevant to a particular decision.

The CRS recommended that the whistleblower awards should be Redacted Redacted .

In arriving at this award determination, the CRS applied factors set forth in Rule 165.9, 17 C.F.R. § 165.9, in relation to the facts and circumstances of Claimant 1's and Claimant 6's award applications. To this end, the CRS considered the significance of Claimant 1's and Claimant 6's information, the degree of assistance Claimant 1 and Claimant 6 provided to the Division of Enforcement ("Division") staff during the course of the investigation, and the Commission's programmatic and law enforcement interests.

The information provided by Claimant 1 and Claimant 6 was crucial evidence Redacted

The information Claimant 1 and Claimant 6 provided in their initial complaints and subsequent communications led Division of Enforcement ("Division") staff to Redacted . During the investigation, Claimant 1 and Claimant 6 were forthcoming with their assistance, and provided ongoing, extensive, and timely cooperation. Important though it was, the information from Claimant 1 and Claimant 6 was not Redacted Redacted

The CRS determined that these awards appropriately recognize the significance of the information Claimant 1 and Claimant 6 provided the Commission. Furthermore, the CRS found that the size of the award will incentivize future whistleblowers to come forward with high quality information.

II. RECONSIDERATION REQUESTS OF CLAIMANT 2 AND CLAIMANT 5

To be eligible for an award on a covered action, a whistleblower's original information must have "led to the successful enforcement of the covered … action." 7 U.S.C. § 26(b)(1). A whistleblower's information is considered to have led to successful enforcement if it is "sufficiently specific, credible, and timely" to cause the Commission to commence an examination, open an investigation, reopen an already closed investigation, or inquire about different conduct as part of a current examination or investigation, and if the Commission brought a successful judicial or administrative action based in whole or in part on conduct that was the subject of the whistleblower's information. 17 C.F.R. § 165.2(i)(1). Alternatively, if a matter is already under investigation by the Commission, then the whistleblower's information must "significantly contribute[] to the success of the [Commission] action." *Id.* § 165.2(i)(2).

Claimant 2 and Claimant 5 requested reconsideration of the CRS's Preliminary Determination. After considering each of these claimants' arguments and supporting documentation, the CRS recommended denying these requests for reconsideration for the reasons provided below and adhering to its original recommendation for these claimants in its Proposed Final Determination. Claimant 2 and Claimant 5 offered no new evidence or arguments to disturb the CRS's Preliminary Determination. The information provided by Claimant 2 and Claimant 5 did not lead to the success of the *** Covered Action. In addition, Claimant 5 is statutorily ineligible for award.‡

A. Claimant 2

Claimant 2's information did not lead to the successful enforcement of the *** Covered Action. Although a Commission investigation into Redacted started Redacted around the time of Claimant 2's Form TCR submission, the investigation that ultimately led to the *** Covered Action was opened based on Redacted . In addition, the contact Claimant 2 describes Redacted

Claimant 2's information was not used in the investigation of the *** Covered Action and did not contribute to it.

Moreover, even if the Commission's Redacted resolving charges with Redacted identified by Claimant 2, nothing in the record suggests those Redacted were essential to Redacted , that they served to Redacted , or that the Division would not have proceeded Redacted . Indeed, the *** Covered Action was Redacted not the subject of Claimant 2's information.

As a general matter, Redacted . As relevant here, Redacted

However, any use of Claimant 2's information in investigations separate from the one underlying the *** Covered Action may not be credited here. Moreover, Claimant 2 fails to allege that he/she Redacted

Claimant 2 has offered no evidence to the contrary in his/her reconsideration request.

B. Claimant 5

The investigation leading to the *** Covered Action did not use or rely on Claimant 5's information, so it did not contribute to the success of the *** Covered Action. Division staff did not act on Claimant 5's information. Claimant 5's information did not cause "Commission

‡ Neither Claimant 2 nor Claimant 5 argued for reconsideration of their related action award claims. In any event, because, as discussed below, they are not eligible for awards on the *** Covered Action (for failure to provide information that led to the successful enforcement of the *** Covered Action), they are also not eligible for related action awards. *See* 17 C.F.R. § 165.11(a)(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.").

staff . . . to open an investigation, reopen an investigation that the Commission had closed, or to inquire concerning different conduct as part of a current examination or investigation, and the Commission brought a successful judicial or administrative action based in whole or in part on conduct that was the subject of the whistleblower's original information," nor did it "significantly contribute[] to the success of the" *** Covered Action. 17 C.F.R. §§ 165.2(i)(1), (2). Claimant 5 has provided no new information that would support a change to the CRS's Preliminary Determination.

It was not clear from Claimant 5's Redacted the way in which he/she believed his/her submissions amounted to original information. Based on his/her explanation on reconsideration, Redacted

could rise to the level of original information. *But see* 17 C.F.R. § 165.2(*l*)(3) (crediting only "original information that materially adds to the information that the Commission already possesses"). Nevertheless, Claimant 5's argument on reconsideration does not call into question the conclusion that *** information did not lead to the success of the action. Division staff responsible for the *** Covered Action had known about Redacted prior to Claimant 5's submissions, and Claimant 5's Redacted

Redacted

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As an additional basis for denying his/her claim, Claimant 5 is a person who is ineligible to receive an award under Section 23(c)(2) of the Act, 7 U.S.C. § 26(c)(2), which provide that "[n]o award … shall be made … to any whistleblower who is, or was at the time he or she acquired the original information submitted to the Commission, a member … of a registered entity." *Accord* 17 C.F.R. § 165.6(a). Claimant 5's Form TCR and award applications acknowledge Claimant 5's membership in a registered entity. *See* 7 U.S.C. § 1a(34), (40).

Claimant 5's arguments that his/her Redacted is not disqualifying Redacted

are unavailing in light of the statutory text. Likewise, contrary to Claimant 5's contention, the Commission's reference to Section 23(c)(2) in a section of the Notice of Proposed Rulemaking about Rule 165.2(o), dealing with voluntariness, does not narrow the scope of Rule 165.6(a), dealing with ineligible whistleblowers. *See* Implementing the Whistleblower Provisions of Section 23 of the Commodity Exchange Act, 75 Fed. Reg. 75,728, 75,734 (Dec. 6, 2010); 17 C.F.R. §§ 165.2(o), 165.6(a).

Claimant 5 urges the Commission to exercise its discretion to credit Claimant 5 as a whistleblower and grant *** an award, and that "applying the exclusion to [Claimant 5], given the facts of this particular case, is arbitrary and capricious." But disregarding the text of an act of Congress under the guise of exercising discretion would be arbitrary and capricious. *See* 5 U.S.C. § 706(2)(A) (agency action may be set aside if it is "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law"); *see also, e.g.*, *BBX Cap. v. Fed. Deposit Ins. Corp*., 956 F.3d 1304, 1317 (11th Cir. 2020) (court could not find agency action to be arbitrary or capricious where it fell "directly under the plain language of the statute").

III. CONCLUSION

The Commission adopts the CRS's Proposed Final Determination encompassing the award claims of Claimant 1, Claimant 2, Claimant 5, and Claimant 6. It is hereby ORDERED that Claimant 1 and Claimant 6 Redacted of the monetary sanctions collected with respect to the *** Covered Action Redacted ; and it is further ORDERED that the applications of Claimant 2 and Claimant 5 be, and hereby are, denied.

By the Commission.



Robert Sidman
Deputy Secretary of the Commission
Commodity Futures Trading Commission

Dated: December 17, 2025



Robert Sidman
Deputy Secretary of the Commission
Commodity Futures Trading Commission

Reissued only for Claimant 1 and Claimant 6: [§]
October 28, 2026

[§] The Commission is reissuing this Order to correct a clerical error, and the changes apply only to Claimant 1 and Claimant 6. The determinations for Claimant 2, Claimant 3, Claimant 4, Claimant 5, and Claimant 7 are unchanged.