

FINAL ORDER – THIS PROPOSED FINAL DISPOSITION BECAME THE FINAL ORDER OF THE COMMISSION ON APRIL 5, 2019 PURSUANT TO SECTION 165.7(e)(2) 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 Form

Redacted

PROPOSED FINAL DISPOSITION OF THE WHISTLEBLOWER OFFICE

The Commodity Futures Trading Commission (the “Commission”) received the above-referenced whistleblower award claim from Redacted (“Claimant”). The Whistleblower Office of the Commission has reviewed the whistleblower award claim filed on Form WB-APP. The Whistleblower Office identified that Claimant’s WB-APP was deficient, given that it does not relate to a Notice of Covered Action. Pursuant to 17 C.F.R. § 165.7(e)(1) (2018), on January 23, 2019, the Whistleblower Office notified Claimant in writing of the identified deficiency in the Form WB-APP and provided Claimant with an opportunity to correct the deficiency or to withdraw the Form WB-APP. Claimant had thirty (30) days from the date of the notification letter to respond and to correct the deficiency.

Pursuant to § 165.7(e)(1), if a claimant does not respond to the notice of deficiency within thirty (30) days or if the response does not include information showing that the WB-APP relates to a Notice of Covered Action, a final judgment in a related action, or a previously filed Form TCR, the Whistleblower Office will issue a Proposed Final Disposition.

Claimant failed to submit a response to the Whistleblower Office’s written notification of the deficiency. Accordingly, Claimant’s award claim is hereby denied.

Pursuant to § 165.7(e)(2), on March 6, 2019, the Whistleblower Office notified the Claims Review Staff of this Proposed Final Disposition. Claimant’s failure to submit a timely response to the written notice from the Whistleblower Office constitutes a failure to exhaust administrative remedies, and Claimant will be prohibited from pursuing an appeal under § 165.13.

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Claimant responded to the Whistleblower Office’s written notification of the deficiency on or about January 30, 2019 and February 5, 2019. After further review of the Claimant’s submission, the Whistleblower Office has confirmed that Claimant’s award application does not relate to a Notice of Covered Action. Claimant failed to correct this deficiency identified in the Whistleblower Office’s January 23, 2019 letter.¹

Pursuant to § 165.7(e)(2), on March 6, 2019, the Whistleblower Office notified the Claims Review Staff of this Proposed Final Disposition. Based on Claimant’s award application and the Claimant’s response to the notification letter, the Whistleblower Office has determined to deny Claimant’s claim for award, given that the award application does not relate to a Notice of Covered Action. Accordingly, Claimant’s award claim is hereby denied.

¹ In addition, on January 30, 2019, Claimant sent an email requesting further clarification of the January 23, 2019 deficiency letter. On January 30, 2019, the Whistleblower Office responded by email and explained that, pursuant to 17 C.F.R. § 165.7(a), the Commission will publish on the Whistleblower Office’s website a “Notice of Covered Action” when a Commission judicial or administrative action results in monetary sanctions totaling more than \$1,000,000. The Whistleblower Office’s response also invited Claimant to inform the Whistleblower Office of the judicial or administrative action brought by the Commission for which Claimant is seeking an award. On February 5, 2019, Whistleblower Office staff spoke with Claimant by telephone. During the call, the Whistleblower Office reiterated that the Commission would first need to bring an enforcement action prior to the posting of a Notice of Covered Action. Claimant acknowledged during the call that *** now recognized why *** received the deficiency letter.

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Claimant appears to have responded to the Whistleblower Office’s written notification of the deficiency by email on or about January 24, 2019. After further review of the Claimant’s submission, the Whistleblower Office has confirmed that Claimant’s award application does not relate to a Notice of Covered Action. Claimant failed to correct this deficiency identified in the Whistleblower Office’s January 23, 2019 letter.

Pursuant to § 165.7(e)(2), on March 6, 2019, the Whistleblower Office notified the Claims Review Staff of this Proposed Final Disposition. Based on Claimant’s award application and the Claimant’s apparent response to the notification letter, the Whistleblower Office has determined to deny Claimant’s claim for award, given that the award application does not relate to a Notice of Covered Action. Accordingly, Claimant’s award claim is hereby denied.

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Claimant failed to submit a response to the Whistleblower Office’s written notification of the deficiency. Accordingly, Claimant’s award claim is hereby denied.

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Claimant appears to have responded to the Whistleblower Office’s written notification of the deficiency by submitting additional documents on or about February 8 and 19, 2019. After further review of the Claimant’s submission, the Whistleblower Office has confirmed that Claimant’s award application does not relate to a Notice of Covered Action. Claimant failed to correct this deficiency identified in the Whistleblower Office’s January 23, 2019 letter.

Pursuant to § 165.7(e)(2), on March 6, 2019, the Whistleblower Office notified the Claims Review Staff of this Proposed Final Disposition. Based on Claimant’s award application and the Claimant’s apparent response to the notification letter, the Whistleblower Office has determined to deny Claimant’s claim for award, given that the award application does not relate to a Notice of Covered Action. Accordingly, Claimant’s award claim is hereby denied.

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The Commodity Futures Trading Commission (the “Commission”) received the above-referenced whistleblower award claim from Redacted (“Claimant”). The Whistleblower Office of the Commission has reviewed the whistleblower award claim filed on Form WB-APP. The Whistleblower Office identified that Claimant’s WB-APP was deficient, given that it does not relate to a Notice of Covered Action. Pursuant to 17 C.F.R. § 165.7(e)(1) (2018), on January 23, 2019, the Whistleblower Office notified Claimant in writing of the identified deficiency in the Form WB-APP and provided Claimant with an opportunity to correct the deficiency or to withdraw the Form WB-APP. Claimant had thirty (30) days from the date of the notification letter to respond and to correct the deficiency.

Pursuant to § 165.7(e)(1), if a claimant does not respond to the notice of deficiency within thirty (30) days or if the response does not include information showing that the WB-APP relates to a Notice of Covered Action, a final judgment in a related action, or a previously filed Form TCR, the Whistleblower Office will issue a Proposed Final Disposition.

Claimant failed to submit a response to the Whistleblower Office’s written notification of the deficiency. Accordingly, Claimant’s award claim is hereby denied.

Pursuant to § 165.7(e)(2), on March 6, 2019, the Whistleblower Office notified the Claims Review Staff of this Proposed Final Disposition. Claimant’s failure to submit a timely response to the written notice from the Whistleblower Office constitutes a failure to exhaust administrative remedies, and Claimant will be prohibited from pursuing an appeal under § 165.13.

FINAL ORDER – THIS PROPOSED FINAL DISPOSITION BECAME THE FINAL ORDER OF THE COMMISSION ON APRIL 5, 2019 PURSUANT TO SECTION 165.7(e)(2) 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.

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Claimant appears to have responded to the Whistleblower Office’s written notification of the deficiency by submitting additional documents on or about January 23, 24, 25, and 26, 2019. After further review of the Claimant’s submissions, the Whistleblower Office has confirmed that Claimant’s award application does not relate to a Notice of Covered Action. Claimant failed to correct this deficiency identified in the Whistleblower Office’s January 23, 2019 letter.

Pursuant to § 165.7(e)(2), on March 6, 2019, the Whistleblower Office notified the Claims Review Staff of this Proposed Final Disposition. Based on Claimant’s award application and the Claimant’s apparent response to the notification letter, the Whistleblower Office has determined to deny Claimant’s claim for award, given that the award application does not relate to a Notice of Covered Action. Accordingly, Claimant’s award claim is hereby denied.

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