

**FINAL ORDER- THIS PRELIMINARY DETERMINATION BECAME THE FINAL ORDER
OF THE COMMISSION ON AUGUST 19, 2019 PURSUANT TO RULE 21F-10(f)
OF THE SECURITIES EXCHANGE ACT OF 1934**

Notice of Covered Action [REDACTED]
[REDACTED]

PRELIMINARY DETERMINATION OF THE CLAIMS REVIEW STAFF

In response to the above-referenced Notice of Covered Action, the U.S. Securities and Exchange Commission received a whistleblower award claim from [REDACTED] (“Claimant”).

Pursuant to Section 21F of the Securities Exchange Act of 1934 (the “Exchange Act”) and Rule 21F-10 promulgated thereunder, the Claims Review Staff has evaluated the above claim in accordance with the criteria set forth in Rules 21F-1 through 21F-17. The Claims Review Staff has preliminarily determined to recommend that the Commission deny the above award claim. The bases for this determination is as follows.

First, Claimant did not provide information that led to the successful enforcement of the above-referenced Covered Action within the meaning of Section 21F(b) of the Exchange Act and Rules 21F-3(a)(3) and 21F-4(c) thereunder because the information provided did not:

1. cause the Commission to (i) commence an examination, (ii) open or reopen an investigation, or (iii) inquire into different conduct as part of a current Commission examination or investigation under Rule 21F-4(c)(1) of the Exchange Act; or
2. significantly contribute to the success of a Commission judicial or administrative enforcement action under Rule 21F-4(c)(2) of the Exchange Act.¹

Second, to the extent Claimant is relying on a letter, dated [REDACTED], that [REDACTED] sent to the Commission as the basis for [REDACTED] award claim, that letter does not satisfy the requirements of Rules 21F-9(a) & (b) as it was not accompanied by a Form TCR or submitted through the Commission’s on-line portal and not accompanied by the requisite whistleblower declaration. Accordingly, Claimant was not a whistleblower and not eligible for award consideration until [REDACTED] satisfied these requirements with [REDACTED] submission on [REDACTED].²

By: Claims Review Staff

Date: June 20, 2019

¹ In reaching this preliminary determination, we note that the record shows that Enforcement staff opened the underlying investigation approximately two years before receiving Claimant’s Form TCR, dated [REDACTED] and it did not contain any information not already publicly known and available. None of the information provided in the TCR was used in or in any way contributed to the covered action.

² Although not a basis for our preliminary determination, we note that [REDACTED] information consisted of publicly-available information, and did not include any independent assessment or evaluation of that publicly-available information. As such, there may be additional grounds on which to deny Claimant’s award claim, including that [REDACTED] failed to provide “original information” as required under Exchange Act Rule 21F-4(b).