

**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]

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 basis for this determination is as follows.

Claimant did not provide information that led to the successful enforcement of the above-referenced Covered Action within the meaning of Section 21F(b)(1) 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.

In reaching this preliminary recommendation, we note that the record shows that Enforcement staff opened the investigation of [REDACTED] over two years prior to receiving Claimant’s TCR and had already taken significant investigative steps. Enforcement staff did not have any direct communication with the Claimant nor did the Claimant provide any additional information, or submit supporting documentation for the information reported in the TCR.¹

By: Claims Review Staff

Date: June 20, 2019

¹ Although not a basis for our preliminary determination, we note that Claimant’s Form TCR states that [REDACTED] information was based solely on publicly-available documents, such as Form 10-Ks and news articles. 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).