

Notice of Covered Action [REDACTED]

Notice of Covered Action [REDACTED]

Notice of Covered Action [REDACTED]

Notice of Covered Action [REDACTED]

OWB Reference No. 03292024

**PRELIMINARY DETERMINATIONS OF THE CLAIMS REVIEW STAFF**

In response to the above-referenced Notice of Covered Actions, the U.S. Securities and Exchange Commission received two whistleblower award claims for Covered Action [REDACTED] and one whistleblower award claim for Covered Actions [REDACTED], and [REDACTED]. 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 each of the claims in accordance with the criteria set forth in Rules 21F-1 through 21F-18. The Claims Review Staff sets forth its Preliminary Determinations as follows.

[REDACTED] (“Claimant 1”)

[REDACTED]

[REDACTED]

---

<sup>1</sup> [REDACTED]

**FINAL ORDER – THIS PRELIMINARY DETERMINATION BECAME THE FINAL ORDER OF THE COMMISSION ON MARCH 29, 2024 AS TO CLAIMANT 2 PURSUANT TO RULE 21F-10(f) OF THE SECURITIES EXCHANGE ACT OF 1934**

Notice of Covered Action

[REDACTED]

Notice of Covered Action

[REDACTED]

Notice of Covered Action

[REDACTED]

Notice of Covered Action

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

**FINAL ORDER – THIS PRELIMINARY DETERMINATION BECAME THE FINAL ORDER OF THE COMMISSION ON MARCH 29, 2024 AS TO CLAIMANT 2 PURSUANT TO RULE 21F-10(f) OF THE SECURITIES EXCHANGE ACT OF 1934**

Notice of Covered Action [REDACTED]

Notice of Covered Action [REDACTED]

Notice of Covered Action [REDACTED]

Notice of Covered Action [REDACTED]

[REDACTED]

[REDACTED] (“Claimant 2”)

The Claims Review Staff has preliminarily determined to recommend to the Commission that the Commission deny the claim submitted by Claimant 2.

The first basis for denial is that Claimant 2 submitted an untimely award application. Claimant 2 failed to submit the claim for award within ninety (90) days of the date of the Notice for the [REDACTED] Covered Action, as required under Rule 21F-10(b) of the Exchange Act.<sup>6</sup> The record does not support a conclusion that circumstances beyond Claimant 2’s control prevented them from timely filing an award claim. Therefore, we do not believe it is appropriate here for the Commission to exercise its discretionary authority under Exchange Act Rule 21F-8(a) to excuse Claimant 2’s failure to comply with the award application timeliness requirement.<sup>7</sup>

---

<sup>4</sup> Section 36(a) of the Exchange Act provides the Commission with broad authority to exempt any person from any provision of the Exchange Act or any rule or regulation thereunder to the extent that such exemption is “necessary or appropriate in the public interest” and “consistent with the protection of investors.” In our view the present facts and circumstances do not warrant the exercise of the Commission’s Section 36(a) exemptive authority.

<sup>5</sup> See *Order Determining Whistleblower Award Claim*, Rel. No. 99070 (Dec. 4, 2023).

<sup>6</sup> The deadline to file award claims for Covered Action [REDACTED] was [REDACTED]. Claimant 2 submitted their Form WB APP on [REDACTED], approximately 11 months after the filing deadline.

<sup>7</sup> Claimant 2 has not specifically requested, and in our view the present facts and circumstances do not warrant, the exercise of the Commission’s Section 36(a) exemptive authority.

**FINAL ORDER – THIS PRELIMINARY DETERMINATION BECAME THE FINAL ORDER OF THE COMMISSION ON MARCH 29, 2024 AS TO CLAIMANT 2 PURSUANT TO RULE 21F-10(f) OF THE SECURITIES EXCHANGE ACT OF 1934**

Notice of Covered Action

[REDACTED]

Notice of Covered Action

[REDACTED]

Notice of Covered Action

[REDACTED]

Notice of Covered Action

[REDACTED]

The second basis for denial is that Claimant 2 did not comply with the procedural requirements under Rule 21F-9(b) on which Claimant 2's claim for an award is based.<sup>8</sup> Claimant 2 is not eligible for the automatic waiver under Rule 21F-9(e) because Claimant 2 was represented by counsel at the time of submission, and therefore had constructive notice of the filing requirement; and the record does not unambiguously show that Claimant 2 would be otherwise eligible for an award in the Covered Action.

By: Claims Review Staff

Date: January 29, 2024

---

<sup>8</sup> The record reflects that Claimant 2 did not comply with the procedural requirements to sign the requisite whistleblower declaration under penalty of perjury attesting that at the time of the submission that the information is true and correct to the best of the individual's knowledge and belief, as required under Rule 21F-9(b).