

UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

In re

JOHN DOE,

Petitioner.

No. _____

**Public Copy—Sealed Material
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**Petition for a Writ of Mandamus
Directed to the Securities and Exchange Commission
to Compel Agency Action
that Has Been Unreasonably Delayed**

Pursuant to 5 U.S.C. § 706(1) and 28 U.S.C. § 1651(a), petitioner John Doe requests that the Court issue a writ of mandamus directing the Securities and Exchange Commission to, within 60 days after the date of the writ, issue a preliminary determination under 17 C.F.R. § 240.21F-10(d) on Petitioner's application for a monetary award under the SEC's Whistleblower Program.¹

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1. Accompanying this petition is a motion seeking leave for Petitioner to proceed under a pseudonym, on the ground that Petitioner's identity is required by statute to be treated as confidential by the SEC, 15 U.S.C. § 78u-6(h)(2)(A), and that under Circuit Rule 47.1(a), that confidentiality should be maintained in this Court. Petitioner's identity will be disclosed to the Court as Addendum 1.

The Court has jurisdiction over this petition because it would have jurisdiction over a petition seeking review of the SEC's final determination on Petitioner's whistleblower application. 15 U.S.C. § 78u-6(f). *See Telecommunications Research and Action Center v. FCC*, 750 F.2d 70, 75 (D.C. Cir. 1984).

Preliminary Statement

Petitioner has submitted a claim to the SEC for a monetary reward under the SEC's whistleblower program. That claim has been pending for more than three years without having been acted on—a length of time longer than what the SEC took to issue preliminary determinations in more than 90% of the award claims that it has so far decided and for which the relevant information is available. And this disparity is not the result of Petitioner's claim merely having to wait its turn in the queue, for the SEC is not operating on a first-in-first-out basis. On the contrary, it has acted on a number of whistleblower claims that were filed after Petitioner's.

At the same time, there is a significant backlog of claims that are yet to be decided, and unless the SEC starts processing award claims much faster than it has so far, the backlog is likely to get longer and longer as time goes on. Such an outcome would impair the policy goal on which the whistleblower program is based. That goal is to strengthen the enforcement of the securities laws by creating an incentive for people with knowledge of potential violations to blow the whistle. This incentive will lose its effectiveness if claims for whistleblower awards are not decided with reasonable promptness. Indeed, the SEC itself has acknowledged the importance of acting on whistleblower-award claims in a timely fashion. Yet if the SEC continues issuing decisions at the same rate as it has done in calendar year 2015, it will take it more than ten years just to act on the claims that are currently

pending. And in the meantime, the backlog will continue to grow as new award claims are filed.

Issuing a writ of mandamus here would help to counteract this trend—and would promote the whistleblower program’s purpose—not only by requiring the SEC to finally act on what is almost certainly one of the oldest award claims currently pending before it, but also by making it clear to the Commission and to potential whistleblowers that the claim process will not be allowed to drag on endlessly.

Relief Sought

Petitioner requests that the Court issue a writ of mandamus requiring the SEC to issue a preliminary determination on Petitioner’s application, as required by 17 C.F.R. § 240.21F-10(d), within 60 days after the issuance of the writ.

Issue Presented

Whether the SEC’s failure to act on Petitioner’s claim for a whistleblower award—which has been pending for more than three years—amounts to unreasonable delay for which mandamus is appropriate.

Statement of Facts

1. The statutory scheme

This petition arises from an application filed by Petitioner seeking a monetary award under the SEC’s Whistleblower Program. The Whistleblower Program

was established by § 922 of the Dodd-Frank Act, Publ L. 111-203, 124 Stat. 1376, 1841 (codified at 15 U.S.C. § 78u-6). Under that provision, the SEC is required to pay a monetary award to one or more whistleblowers who “voluntarily provided original information to the Commission that led to the successful enforcement of [a] covered judicial or administrative action or [a] related action,” 15 U.S.C. § 78u-6(b)(1), with a “covered judicial or administrative action” being defined “an action brought by the Commission under the securities laws that results in monetary sanctions exceeding \$1,000,000[.]” *id.* § 78u-6(a)(1). The aggregate amount of the award in any given case is to be not less than 10%, and not more than 30%, of the amount the monetary sanction that has been collected. *Id.* § 78u-6 (b)(1).

Pursuant to authority delegated by 15 U.S.C. § 78u-6 (j), the SEC has promulgated regulations governing the whistleblower program, which establish standards and procedures to be followed in acting on applications for whistleblower awards. To be eligible for an award, the applicant must have previously provided the SEC with “original information” about a possible securities-law violation, in the form and manner specified by the regulations. 17 C.F.R. §§ 240.21F-2(a)(2), 240.21F-8, 240.21F-9, 240.21F-3(a); 240.21F-8(a). And as noted above, an award is mandated if the information provided by the applicant “led to the successful enforcement of [a] covered judicial or administrative action or [a] related action[.]” 15 U.S.C. § 78u-6 (b)(1); 17 C.F.R. § 240.21F-3(a). The SEC regulations provide

that the applicant will be deemed to have satisfied this requirement under three sets of circumstances, two of which are relevant here:

(1) You gave the Commission original information that was sufficiently specific, credible, and timely to cause the staff to commence an examination, 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 your original information; or

(2) You gave the Commission original information about conduct that was already under examination or investigation by the Commission, the Congress, any other authority of the federal government, a state Attorney General or securities regulatory authority, any self-regulatory organization, or the PCAOB (except in cases where you were an original source of this information as defined in paragraph (b)(4) of this section), and your submission significantly contributed to the success of the action.

[17 C.F.R. § 240.21F-4(c).]

As we have said, an applicant may seek an award only with respect judicial or administrative actions that have resulted in monetary sanctions totaling more than \$1 million. 15 U.S.C. §§ 78u-6 (a)(1), 78u-6 (b)(1). Notice of such actions is given by the SEC's Office of the Whistleblower, which publishes a Notice of Covered Action ("NOCA") on the SEC's website. 17 C.F.R. §240.21F-10(a). An applicant seeking a whistleblower award must file their application, on a form prescribed by the SEC, within 90 days after the NOCA is published with regard to the judicial or administrative action in question. 17 C.F.R. § 240.21F-10(b).

After the SEC's Claims Review Staff has reviewed the application, it is required to issue "a Preliminary Determination setting forth a preliminary assessment as to whether the claim should be allowed or denied and, if allowed, setting forth the proposed award percentage amount." *Id.* After the Preliminary Determination is issued, there follow a series of additional procedures that will ultimately result in the issuance of the SEC's final decision. *Id.* § 240.12F-10(e)(i). For purposes of this petition, the latter procedures are irrelevant because the petition seeks to compel the issuance of a *preliminary* determination. As we have noted, however, because a final determination by the SEC would be subject to review by this Court, 15 U.S.C. § 78u-6(f), this Court has jurisdiction to consider and decide this petition for mandamus. *See* note 1, *supra*.

2. Petitioner's whistleblower disclosures to the SEC and his subsequent application for a whistleblower award

In the spring of 2011, Petitioner voluntarily disclosed to the SEC certain information about violations of the securities laws by a well-known publicly-traded corporation. The SEC subsequently filed an enforcement action against that company, and that action was resolved by a consent order that required the company to pay disgorgement in an amount well in excess of \$1 million.² That final

2. [REDACTED]

judgment resolved all claims by the SEC that arose out of the facts that had been set out in Petitioner's whistleblower disclosure statements.³

After the entry of final judgment in the enforcement action, the SEC published a Notice of Covered Action with respect to the action, thereby starting the 90-day period for submitting claims for a whistleblower award.⁴ Petitioner submitted a claim for such an award in October 2012—well in advance of the end of the 90-day filing period.⁵

3. [REDACTED]

4. SEC NOCA No. 2012-[REDACTED] (published [REDACTED] 2012), *available at* <http://www.sec.gov/about/offices/owb/owb-awards/2012-nocas.shtml> (accessed Dec. 8, 2015).

5. [REDACTED] Because we assume that the SEC will not dispute that fact, we are not submitting documentation of that filing at this time. We reserve the right to submit such documentation if the SEC disputes the fact of the filing or its date.

[REDACTED]

3. The SEC's delay in acting on Petitioner's claim

Even though Petitioner's claim has been pending for more than three years, the SEC has taken no action on it. Petitioner's counsel has written to the SEC's Whistleblower Office three times since the claim was filed (in March 2014, October 2014, and August 2015), asking about the status of the claim; the most recent of these letters said that if a preliminary determination was not issued by the date that was the third anniversary of the claim's filing, Petitioner would seek a writ of mandamus. In response to these letters, the SEC has said that the claim is still under consideration and that it was not possible to say when a preliminary determination would be issued. As of the filing of this petition, the SEC has yet to issue a preliminary determination.

To the extent that one can determine from the publicly-available information, the amount of time that Petitioner's claim has been pending without action exceeds the time it took for a preliminary determination to be issued in all but a handful of the cases on which it *has* acted.⁶ As is shown in the table below, in 96%

6. The decisions released by the SEC so far are available at <https://www.sec.gov/about/offices/owb/owb-final-orders.shtml> (accessed Dec. 8, 2015), and the relevant information is summarized in Addendum 2 to this petition. However, that information is limited to what the SEC has made public.

Information about specific claims for whistleblower awards is made public only after the SEC has issued a final determination, and even then the amount of information that is made available varies from one case to the next. Because the SEC is forbidden from disclosing information that could reasonably be expected to reveal the whistleblower's identity, 15 U.S.C. § 78u-6(f), the deci-

of such cases, the amount of time from the Notice of Covered Action to the preliminary determination was less than the time that Petitioner's claim has been pending, and in more than half of the cases, the amount of time was at least a year less. Indeed, in more than 90% of the cases, the time from the Notice of Covered Action to the *final* decision was less than the time that Petitioner's claim has been pending without even a preliminary determination.

[See table on next page.]

sions that it makes available are heavily redacted. While some decisions disclose when the NOCA was published and the preliminary determination was made, others do not.

If the Court thinks it would be helpful for it to obtain that information, it could order the SEC to specify, for each preliminary determination as to which the information is not included in Addendum 2, the number of days that elapsed between the publication of the relevant Notice of Covered Action and the issuance of the preliminary determination. (In order to avoid disclosing information that the SEC might regard as confidential, the individual preliminary determinations could be identified as, for example, "Case No. 1, Case No. 2" and so forth.)

	Number	Percent of total
<i>Time from NOCA to preliminary determination</i> (to the extent the information is publicly available)		
Shorter than pendency of Petitioner's claim	23	96%
At least 1 year shorter	13	54%
At least 2 years shorter	8	33%
Longer than pendency of Petitioner's claim	1	4%
<i>Time from NOCA to final determination</i> (to the extent the information is publicly available)		
Shorter than pendency of Petitioner's claim	23	92%
At least 1 year shorter	4	16%
At least 2 years shorter	2	8%
Longer than pendency of Petitioner's claim	2	8%

Source: Addendum 2 hereto.

The SEC's failure to act on Petitioner's claim cannot be blamed on a policy of deciding whistleblower-award claims on protocol of first-in-first-out, for it has not followed such a protocol. Of the decisions issued so far, four deal with claims where the Notice of Covered Action was issued after the Notice to which Petitioner's claim relates.⁷ And although we do not know whether any of the other claims before the SEC has been pending as long as Petitioner's (the data is not posted on the SEC's website), it is likely that Petitioner's claim predates most if not all of them. The whistleblower program was created in July 2010,⁸ and

7. See Addendum 2 hereto (rows with "Note 2" in the "Comment" column).

8. Publ L. 111-203, § 922, 124 Stat. 1376, 1841 (July 21, 2010) (codified at 15 U.S.C. § 78u-6).

Petitioner's claim was filed a little over two years later. That was more than three years ago, and most of the other claims now pending were probably filed during the three years since then. It is therefore reasonable to think that Petitioner's claim is one of the oldest claims currently pending. But since the SEC is not issuing decisions on a first-in-first-out basis, there is no assurance that Petitioner's claim will be given priority over later-filed claims.

4. The SEC's backlog in acting on whistleblower-award claims

The SEC's handling of claims for whistleblower awards is notable for the fact that although the whistleblower program has been in existence for only five years, there already exists a substantial backlog of unresolved claims.

According to a May 2015 article in the *Wall Street Journal*, which relied on data that had been obtained through a FOIA request, 297 applicants had submitted claims for whistleblower awards, and of that total, only about 50 had received a decision.⁹ As of the filing of this petition, the SEC has released 47 award-claim decisions (some of which deal with multiple claimants).¹⁰ Slightly over half of those decisions were issued by the full Commission after the claimant(s) responded to the staff's preliminary determination; the rest were staff decisions that became

9. Rachel Louise Ensign & Jean Eaglesham, *SEC Backlog Delays Whistleblower Awards*, Wall Street Journal, <http://www.wsj.com/articles/sec-backlog-delays-whistleblower-awards-1430693284> (May 4, 2015) (accessed Dec. 8, 2015).

10. The decisions are available at <https://www.sec.gov/about/offices/owb/owb-final-orders.shtml> (accessed Dec. 8, 2015).

final when the claimant failed to submit such a response.¹¹ As far as we can determine, no information is publically available about preliminary determinations as to which no final decision has been issued. Therefore, we are unable to say whether there any such preliminary determinations are currently in the pipeline.

However, in light of the information that is currently available, the SEC seems to have a long way to go before it can clear up its existing backlog. So far in calendar year 2015, the Commission has issued 20 decisions,¹² which puts it on a pace to issue 22 decisions before the end of the year. At that rate, it would take more than 11 years to resolve the backlog that was reported by the *Wall Street Journal*. And during that time, additional claims would of course be filed. So unless the SEC starts issuing decisions at a *much* faster pace, it will be impossible for it to achieve any net reduction in its existing backlog.

On the contrary, the backlog is likely to get worse. The SEC has reported that more than 120 whistleblower-award claims were submitted in fiscal 2015, “representing a significant increase compared to prior years.”¹³ If that trend

11. See the decisions available at the URL in n.9, above.

12. See the decisions available at the URL in n.9, above.

13. Securities and Exchange Commission, *2015 Annual Report to Congress on the Dodd-Frank Whistleblower Program* at 1, <http://www.sec.gov/whistleblower/reportspubs/annual-reports/owb-annual-report-2015.pdf> (accessed Dec. 8, 2015) (“2015 Annual Report”).

continues, as seems likely, more and more unresolved award claims will pile up, and the SEC will fall further and further behind.

Reasons Why the Writ Should Be Granted

1. A writ of mandamus is appropriate when agency action has been unreasonably delayed.

As this Court has held, “Claims of unreasonable agency delay clearly fall into that narrow class of interlocutory appeals from agency action over which we appropriately should exercise our jurisdiction.” *Telecommunications Research and Action Center v. FCC*, 750 F.2d 70, 79 (D.C. Cir. 1984) (“*TRAC*”). The Court in *TRAC* held that “the time agencies take to make decisions must be governed by a ‘rule of reason’” and that an agency may be found to have delayed unreasonably even if it was not guilty of impropriety. *Id.* at 80. The Court also set out a number of additional factors that “provide useful guidance in assessing claims of agency delay.” *Id.* In the context of this case, the most important of those factors is “the nature and extent of the interests prejudiced by the delay[.]” *Id.* Also relevant (though to a lesser extent here, we would submit) is “the effect of expediting delayed action on agency activities of a higher or competing priority[.]” *Id.*¹⁴

14. The remaining two factors are not at issue here. The first is whether Congress has specified a timetable for the agency to act. *TRAC*, 750 F.2d at 80. There is no such timetable applicable to whistleblower-award claims. The other factor is whether the agency action concerns human health and welfare rather than economic regulation, in which case delays that are otherwise reasonable might be

2. The delay in acting on Petitioner's claim has been unreasonable

a. As noted above, the most important factor in assessing the SEC's delay here is "the nature and extent of the interests prejudiced by the delay[.]" *Id.* And the primary interest here is the interest in maximizing the effectiveness of the whistleblower program in fulfilling its statutory purpose.

That purpose, of course, is to increase the SEC's effectiveness in enforcing the securities laws by creating an incentive for whistleblowers to inform the SEC of possible violations that the Commission is otherwise unaware of. In its annual report on the whistleblower program, the SEC describes the mission of its Office of the Whistleblower as being "to administer a vigorous whistleblower program that will help the Commission identify and halt frauds early and quickly to minimize investor losses." *2015 Annual Report*, *supra* note 13, at 4. But the longer it takes for award claims to be decided, the less attractive the incentive to potential whistleblowers will become. Therefore, delay in acting on such claims will impair the achievement of the whistleblower program's policy goals.

The SEC has recognized the importance of deciding award claims promptly. When the Commission promulgated the rules governing the whistleblower program, it initially proposed that award claims be filed within 60 days after publica-

"less tolerable." *Id.* The SEC's whistleblower program concerns economic regulation, not health and welfare.

tion of the Notice of Covered Action, but in the final rule that period was increased to 90 days, in the interest of “allowing all potential whistleblowers a reasonable opportunity to periodically review the Commission’s website and to file an application[.]” But at the same time, it balanced that goal against the interest in “providing finality to the application period so that the Commission can begin the process of assessing any applications *and making a timely award to any qualifying whistleblowers[.]*” SEC Release No. 34-64545 at 172, 76 Fed. Reg. 34299, 34343 (June 13, 2011) 2011 WL 2045838 at *80 (emphasis added).

b. Viewed in this context, three factors combine to make the SEC’s delay in acting on Petitioner’s claim unreasonable. The first two are specific to Petitioner’s claim. To begin with, a delay that has so far lasted for three years and two months is simply unreasonable on its face. *See Fu v. Gonzales*, No. C 07-0207 EDL, 2007 WL 1742376, at *6 (N.D. Cal. May 22, 2007) (delay of three years and four months was prima facie unreasonable); *Anjum v. Hansen*, No. 2:06-CV-00319, 2007 WL 983215, at *1 (S.D. Ohio Mar. 28, 2007) (delay of 29 months in processing citizenship application was prima facie unreasonable); *Elmalky v. Upchurch*, No. 3:06-CV-2359-B, 2007 WL 944330, at *6 (N.D. Tex. Mar. 28, 2007) (delay of almost three years in acting on application adjustment of immigration status was prima facie unreasonable).

Moreover, with one exception, the SEC's delay with respect to Petitioner's claim is longer (in some instances substantially longer) than the time that it took the SEC to issue *any* of the preliminary determinations for which information is available. In roughly half of the decisions, the time needed to issue the preliminary determination was no more than $\frac{2}{3}$ of the amount of time that Petitioner's claim has been pending. And in a third of the cases, the preliminary determination was issued in *less than* $\frac{1}{3}$ of the time that Petitioner's claim has been pending. This disparity further supports the conclusion that that the delay in Petitioner's case has been unreasonable (or, at a minimum, presumptively unreasonable). *See Tao v. Chertoff*, No. C07-02216 HRL, 2007 WL 3342746, at *4 (N.D. Cal. Nov. 7, 2007) (finding unreasonable delay where application for lawful-permanent-resident status had been pending for almost 3 years and other applications had been processed more quickly). And the delay cannot be justified on the theory that the SEC follows a first-in-first-out protocol in which Petitioner must wait in the queue until his claim gets to the front. For as we have said, the SEC does not make preliminary determinations on a first-in-first-out basis. Indeed, it has issued *final* decisions (not just preliminary determinations) on claims that were filed after Petitioner's.¹⁵

An additional factor rendering the delay here unreasonable is that this case represents the tip of the iceberg. As we have shown, the SEC has a major backlog

15. *See* Addendum 2 hereto (rows stating "Note 2" in "Comment" column).

of unresolved claims for whistleblower awards, and unless the SEC improves its performance in a big way, that backlog will get longer and longer as time goes on. Given how quickly it has dug the hole in which it now finds itself, the SEC is unlikely to be able to climb out of it if left to its own devices. Rather, it needs to be motivated by something from outside the Commission. And unless Congress acts, this Court is the only available source for such motivation. A writ of mandamus should be issued, not only to require the SEC to finally resolve Petitioner's claim, but also to instill in the Commission a sense of urgency about the problem it faces.

Finally, granting mandamus in this case would not pose a danger of diverting resources from higher priorities. Petitioner's claim has in all likelihood been pending longer than most if not all of the other whistleblower-award claims now before the SEC. Petitioner therefore has an especially powerful interest in obtaining a preliminary determination sooner rather than later. That interest is without a doubt more powerful than that of all the claimants whose claims were filed after his.

And if expediting the action on Petitioner's claim required the SEC to draw on resources from outside of its Office of the Whistleblower, doing so would be justified by the importance of maintaining the whistleblower program's effectiveness. In a speech given in April 2015, the Chair of the SEC said that the Commission has seen from experience that the whistleblower program "meaningfully contributes to the efficiency and effectiveness of our Enforcement program" and that

“whistleblowers increase our efficiency and conserve our scarce resources.”¹⁶ Not only do whistleblowers directly assist the SEC’s enforcement staff, but companies’ awareness of the incentives for whistleblowing “should create at least equally strong incentives for companies to build truly effective compliance programs and to foster atmospheres where internal compliance reporting is not only tolerated, but actively encouraged.”¹⁷ The effectiveness of such incentives depends on the effectiveness of the whistleblower program, which is diminished by the SEC’s failure to act on award claims in a timely manner.

Conclusion

For the reasons above, the Court should issue a writ of mandamus requiring the SEC to issue a preliminary determination on Petitioner’s application, as required by 17 C.F.R. § 240.21F-10(d), within 60 days after the issuance of the writ.

16. Mary Jo White, *The SEC as the Whistleblower's Advocate* (speech delivered at the Ray Garrett, Jr. Corporate and Securities Law Institute—Northwestern University School of Law, April 30, 2015), available at <http://www.sec.gov/news/speech/chair-white-remarks-at-garrett-institute.html> (accessed Dec. 8, 2015).

17. *Id.*

Respectfully submitted,



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ADDENDUM 1

ADDENDUM 1**Certificate of the Parties and Amici Curiae pursuant to Circuit Rules 21(d) and 28(a)(1)(A)**

The petitioner's real name is [REDACTED]. The party who has appeared before the Securities and Exchange Commission is petitioner [REDACTED]. There are no intervenors or amici curiae that I am aware of.

Respectfully submitted,



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ADDENDUM 2

SEC whistleblower-award decisions (as of 12/8/2015)

Where cell is empty, the relevant information is not publicly available

WB File No.	NOCA Number	NOCA Date	Determination Prelim.	Determination Final	NOCA to prelim Days	NOCA to prelim Years	NOCA to final Days	NOCA to final Years	Comment
<i>Decisions by the full Commission</i>									
2012-01			5/8/2012	8/21/2012					
2012-02	2012-*		5/18/2012	7/18/2012					* Redacted
2013-01	2012-027	4/13/2012	12/19/2012	6/12/2013	250	0.7	425	1.2	
2013-02				7/2/2013					
2013-03		4/13/2012	12/19/2012	8/30/2013	250	0.7	504	1.4	Notes 1, 2
2013-04	2013-039	4/23/2013	9/5/2013	9/30/2013	135	0.4	160	0.4	Note 2
2014-01	2011-004	8/12/2011	11/5/2012	10/30/2013	451	1.2	810	2.2	
2014-02			8/12/2013	10/30/2013					
2014-03				4/3/2014					
2014-04				5/16/2014					
2014-05			4/7/2014	6/3/2014					
2014-06			4/7/2014	7/22/2014					
2014-07				7/23/2014					
2014-08			8/27/2013	7/31/2014					
2014-09				8/29/2014					
2014-10			5/5/2014	9/22/2014					
2015-01			12/15/2014	3/2/2015					
2015-02			12/15/2014	4/22/2015					
2015-04	2014-071	6/9/2014	3/9/2015	4/28/2015	273	0.7	323	0.9	Note 2
2015-05			3/9/2015	7/17/2015					

WB File No.	NOCA		Determination		NOCA to prelim		NOCA to final		Comment
	Number	Date	Prelim.	Final	Days	Years	Days	Years	
2015-05			3/9/2015	7/17/2015					
2015-06				8/24/2015					
2015-07			6/5/2015	9/28/2015					
2015-08			7/13/2015	9/29/2015					
2016-01			7/13/2015	11/4/2015					
<i>Staff decisions that became final when claimant did not respond to preliminary determination</i>									
	2011-142	8/12/2011	9/14/2012	11/13/2012	399	1.1	459	1.3	
	Multiple	11/26/2011	11/5/2012	3/19/2013	345	0.9	479	1.3	Note 3
		3/10/2012	11/5/2012	3/19/2013	240	0.7	374	1.0	
	2011-136	8/12/2011	12/19/2012	2/19/2013	495	1.4	557	1.5	
	2011-144	8/12/2011	4/9/2013	6/10/2013	606	1.7	668	1.8	
	2011-184	10/5/2011	6/26/2013	8/27/2013	630	1.7	692	1.9	
	2011-158	10/5/2011	1/3/2014	3/24/2014	821	2.2	901	2.5	
	2011-046	8/12/2011	1/8/2014	3/9/2014	880	2.4	940	2.6	
	2011-108	8/12/2011	1/8/2014	3/19/2014	880	2.4	950	2.6	
	2011-106	8/12/2011	1/8/2014	3/9/2014	880	2.4	940	2.6	
	Multiple	11/26/2011	3/13/2014	5/12/2014	838	2.3	898	2.5	Note 3
		9/13/2013	3/13/2014	5/12/2014	181	0.5	241	0.7	
	2012-081	8/1/2012	5/5/2014	7/4/2014	642	1.8	702	1.9	
	2011-194	12/1/2011	6/16/2014	8/15/2014	928	2.5	988	2.7	
			12/12/2014	2/13/2015					
	2012-089	9/4/2012	12/15/2014	2/13/2015	832	2.3	892	2.4	

WB File No.	NOCA		Determination		NOCA to prelim		NOCA to final		Comment
	Number	Date	Prelim.	Final	Days	Years	Days	Years	
	2011-206	1/9/2012	12/15/2014	2/13/2015	1071	2.9	1131	3.1	
	2012-049	6/4/2012	12/15/2014	2/13/2015	924	2.5	984	2.7	
	2012-066	7/5/2012	12/15/2014	2/13/2015	893	2.4	953	2.6	
			3/25/2015	5/24/2015					
	2013-048, -050, -051	5/7/2013	3/9/2015	5/8/2015	671	1.8	731	2.0	Note 2
	2013-014	2/8/2013	3/9/2015	5/8/2015	759	2.1	819	2.2	
	2013-009	1/4/2013	6/5/2015	8/5/2015	882	2.4	943	2.6	
	2011-078	8/12/2011	6/5/2015	9/10/2015	1393	3.8	1490	4.1	
	2011-200	12/1/2011	6/5/2015	9/10/2015	1282	3.5	1379	3.8	
	2012-013	2/1/2012	6/5/2015	9/10/2015	1220	3.3	1317	3.6	
`	Multiple	9/7/2013	6/15/2015	8/5/2015	646	1.8	697	1.9	Note 3
		5/27/2014	6/15/2015	8/5/2015	384	1.1	435	1.2	
<i>Date of preliminary determination unknown</i>					NOCA to final				
<i>Time shown is time from NOCA to final determination</i>					Days	Years			
2015-03	2011-033, -101, 110, -162	8/12/2011		4/27/2015	1354	3.7			
	2011-211	1/9/2012		4/27/2015	1204	3.3			
Note 1	Related to WB No. 2013-1				Note 3 NOCA date not publicly available, so date shown as NOCA date is date 90 days before date of claim.				
Note 2	Relates to NOCA published after NOCA at issue here. Where decision covers multiple NOCAs, only some were after the NOCA at issue here.								