

Subpart R - Public Interest Exclusions

§ 40.385 Who bears the burden of proof in a PIE proceeding?

- (a) As the proponent of issuing a PIE, the initiating official bears the burden of proof.
- (b) This burden is to demonstrate, by a preponderance of the evidence, that the service agent was in serious noncompliance with the requirements of this part for drug and/or alcohol testing-related services or with the requirements of another DOT agency drug and alcohol testing regulation.