**Section 990.540 Burden of Proof**

a) Any determination pursuant to this Part may be made when CDB possesses documentation of one or more of the factors described in Section 990.310, 990.320 or 990.410.

b) Such documentation is the basis for a presumptive determination of non-responsibility. The CM is entitled to rebut the presumption, through procedures described in this Subpart, but the presumption will not be overturned unless the CM shows, by a preponderance of the evidence, that each factor cited by CDB in support of its determination of non-responsibility is not present. CDB's determinations are final and conclusive unless they are clearly erroneous, arbitrary, capricious or contrary to law.