

Burden and Quantum of Proof

The Vermont Supreme Court has held that among the essentials of due process is the "right to have the burden of persuasion cast upon those who would terminate the right under consideration". In applying this to a state employee's dismissal case, the Court held the employer has the burden of proof where employees have a vested property interest in continued employment.¹ The Court also held that the burden of proof is met by the usual civil case standard of a preponderance of evidence.² A preponderance of the evidence requires "at the very least that one of the scale's pans makes down weight, though the scales drop but a feather's weight."³

¹ Muzzy, 141 Vt. 463, 472 (1982).

² Id.

³ Id.