



**STATE OF NEW JERSEY**

In the Matter of M.G.,  
Middlesex County Sheriff's Office

**FINAL ADMINISTRATIVE ACTION  
OF THE  
CIVIL SERVICE COMMISSION**

CSC Docket No. 2026-2044

Request for Interim Relief

**ISSUED: April 29, 2026 (SLK)**

M.G., a Sheriff's Officer with the Middlesex County Sheriff's Office, represented by Frank C. Cioffi, Esq., petitions the Civil Service Commission (Commission) for interim relief of his indefinite suspension.

As background, on December 4, 2025, the appointing authority immediately and indefinitely suspended the petitioner without pay pending criminal charges, effective December 3, 2025, and presented him with a Preliminary Notice of Disciplinary Action (PNDA) indicating that the charges were related to the petitioner's arrest on December 2, 2025 for physically assaulting his fiancé. Subsequently, on December 16, 2025, the appointing authority issued the petitioner a Final Notice of Disciplinary (FNDA) for this incident, which indicated that the petitioner did not request a hearing and reiterated that he was indefinitely suspended pending criminal charges, effective December 3, 2025.

Thereafter, in a January 5, 2026 letter, the Police Training Commission (PTC) notified the petitioner that his law enforcement license was immediately suspended pursuant to the Police Licensure Act, *N.J.S.A. 52:17B-66, et seq.* and *N.J.A.C. 13:1-16.2*. The letter also explained the hearing process with the PTC, and his appeal rights to the New Jersey Superior Court, Appellate Division. Subsequently, in a February 9, 2026 letter, the petitioner informed the appointing authority that his criminal matter had been dismissed. Additionally, in a letter dated the same day, the petitioner informed the Office of Policing Strategy and Innovation (OPSI), New

Jersey Office of the Attorney General, that his criminal charges were dismissed on February 3, 2026, and he asked this his license be reinstated.

Subsequently, in a February 18, 2026 letter, the petitioner again wrote the OPSI acknowledging that the OPSI informed him at a pre-hearing conference that was held on February 18, 2026 that the PTC was aware that the criminal charges against him were dismissed. Further, the letter explained that the OPSI informed him that the PTC was continuing the petitioner's license suspension until the appointing authority closed its administrative investigation. However, the OPSI indicated that although the petitioner may remain suspended, he could return to work on a modified basis or be placed on paid leave. In response, the appointing authority issued a February 19, 2026 PNDA, reiterating the petitioner's suspension and seeking his removal due to the domestic violence incident and his law enforcement license suspension.<sup>1</sup>

In the petitioner's request for interim relief, he highlights that the criminal matter that was the original basis for his suspension had been dismissed and his record expunged. He indicates that he requested that he either be reinstated or placed on paid administrative leave. Instead, the petitioner provides that the appointing authority amended the PNDA by putting his unpaid suspension "on the shoulders of the [PTC]" while the PTC is keeping his license suspended until the appointing authority's investigation is concluded. The petitioner argues that the appointing authority and the PTC have disregarded his due process rights under *N.J.A.C. 4A:2-2.5(b)*. He asserts that since his suspension is just based on allegations, there is no basis to support the appointing authority's claim that his immediate suspension is warranted to maintain the safety, health, order, or effective direction of public service. Consequently, the petitioner requests to be reinstated or placed on paid administrative leave.

In reply, the appointing authority, represented by Jennifer Chang, Esq., Deputy County Counsel, presents that on March 23, 2026, a "departmental hearing"<sup>2</sup> regarding the petitioner's immediate suspension without pay was held. The appointing authority argues that the petitioner does not meet the standards for interim relief. It asserts that the petitioner cannot show a likelihood of success on the merits as the nature of the charges supports his immediate suspension. Further, the appointing authority indicates that it is precluded from knowingly employing any

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<sup>1</sup> It is noted that the petitioner had a prior request for interim relief. In that regard, the petitioner had withdrawn this request by letter dated January 30, 2026, stating that if he "is exonerated of the allegations or the charges are dismissed," he would seek his reinstatement. If the appointing authority did not reinstate him, he would file another request for interim relief with the Commission, which he did.

<sup>2</sup> The appointing authority refers to this hearing as a departmental hearing, but the record indicates that it was a *Loudermill* hearing solely focused on whether the petitioner's suspension should be with or without pay and not a departmental hearing regarding the underlying conduct and his potential removal. See *Cleveland Board of Education v. Loudermill*, 470 U.S. 532 (1985).

unlicensed person as a law enforcement officer. It states that given the serious nature of the domestic violence allegations and his license suspension, the public is best served by not having the petitioner on the job pending its internal affairs investigation. Additionally, the appointing authority asserts that it has complied with all applicable procedural requirements under *N.J.S.A.* 11A:2-13 and *N.J.A.C.* 4A:2-2.5, as it held a “departmental hearing” within 30 days of the issuance of the PNDA. It highlights that *N.J.A.C.* 4A:2-2.7(b)(1) provides that “the appointing authority shall issue a second [PNDA] specifying any remaining charges against the employee upon final disposition of the criminal complaint or indictment. The appointing authority shall then proceed under *N.J.A.C.* 4A:2-2.5 and 2.6.” Further, the appointing authority emphasizes that the mere fact that the criminal charges have been expunged does not preclude an administrative investigation of the underlying domestic violence incident. It provides that the petitioner cannot show irreparable harm because he can receive back pay if he ultimately prevails. Finally, the appointing authority reiterates that it is in the public interest to keep the petitioner suspended as he cannot currently perform his job as his weapons were taken away from him in accordance with an Attorney General Directive due to the domestic violence allegations, and his law enforcement license was suspended. It submits a February 9, 2026 letter from the Middlesex County Prosecutor’s Office requesting that the Sheriff’s Office’s internal affairs department conduct an investigation, complete the officer’s fitness for duty evaluation, and provide a recommendation as to whether the petitioner should be rearmed. The letter notes that the petitioner cannot be rearmed without approval of the Prosecutor’s Office.

In reply, the petitioner presents that on March 23, 2026, a *Loudermill* hearing was held regarding his unpaid suspension. He states that the appointing authority did not provide any witness testimony. Instead, it indicated that he was being suspended solely for pending allegations, and the appointing authority asserted that his unpaid suspension was within its discretion during the pendency of its investigation. The petitioner argues that he has demonstrated a clear likelihood of success as his due process rights under *N.J.A.C.* 4A:2-2.5(b) have been denied. He states that he has not been provided with any discovery, and no evidence has been presented to support the appointing authority’s claim that his immediate suspension is required to maintain the safety, health, order, or effective direction of public services. The petitioner submits the transcript regarding the March 23, 2026 hearing. In the hearing, the petitioner asked the appointing authority to confirm that the hearing was solely regarding whether his suspension was with or without pay and that it was not moving to terminate him. The appointing authority responded, confirming that his suspension was without pay and it was not seeking to terminate him. Further, although the petitioner acknowledges that he could ultimately receive back pay, he claims that he is irreparably harmed by being suspended without pay due to mere allegations as the criminal charges have been expunged while the appointing authority and the PTC blame one another as to why he needs to remain

suspended without pay. Finally, he believes that the appointing authority would not be harmed if he was on paid administrative leave.

## CONCLUSION

*N.J.A.C.* 4A:2-1.2(c) provides the following factors for consideration in evaluating petitions for interim relief:

1. Clear likelihood of success on the merits by the petitioner;
2. Danger of immediate or irreparable harm;
3. Absence of substantial injury to other parties; and
4. The public interest.

*N.J.A.C.* 4A:2-2.4(a) provides that no suspension or fine shall exceed six months except for a suspension pending criminal complaint or indictment. *See N.J.A.C.* 4A:2-2.7.

*N.J.A.C.* 4A:2-2.4(b) provides that in local service the appointing authority may provide that a suspension be with or without pay.

*N.J.S.A.* 11A:2-13 provides, in pertinent part, that except as otherwise provided herein, before any disciplinary action in subsection a.(1), (2) and (3) of *N.J.S.A.* 11A:2-6 is taken against a permanent employee in the career service or a person serving a working test period, the employee shall be notified in writing and shall have the opportunity for a hearing before the appointing authority or its designated representative. The hearing shall be held within 30 days of the notice of disciplinary action unless waived by the employee. Both parties may consent to an adjournment to a later date. This section shall not prohibit the immediate suspension of an employee without a hearing if the appointing authority determines that the employee is unfit for duty or is a hazard to any person if allowed to remain on the job or that an immediate suspension is necessary to maintain safety, health, order, or effective direction of public services.

*N.J.A.C.* 4A:2-2.5(a) provides, in pertinent part, that an employee must be served with a PNDA setting forth the charges and statement of facts supporting the charges (specifications), and afforded the opportunity for a hearing prior to imposition of major discipline, except: (1) an employee may be suspended immediately and prior to a hearing where it is determined that the employee is unfit for duty or is a hazard to any person if permitted to remain on the job, or that an immediate suspension is necessary to maintain safety, health, order, or effective direction of public services. However, a PNDA with opportunity for a hearing must be served in person or by certified mail within five days following the immediate suspension.

*N.J.A.C.* 4A:2-2.5(b) provides that where a suspension is immediate under (a)1 and 2, and is without pay, the employee must be first apprised either orally or in writing, of why an immediate suspension is sought, the charges and general evidence in support of the charges, and provided with sufficient opportunity to review the charges and the evidence in order to respond to the charges before a representative of the appointing authority. The response may be oral or in writing, at the discretion of the appointing authority.

*N.J.A.C.* 4A:2-2.5(c) provides that the employee may request a departmental hearing within five days of receipt of the Preliminary Notice. If no request is made within this time or such additional time as agreed to by the appointing authority or as provided in a negotiated agreement, the departmental hearing may be considered to have been waived and the appointing authority may issue a FNDA.

*N.J.A.C.* 4A:2-2.5(d) provides that a departmental hearing, if requested, shall be held within 30 days of the PNDA unless waived by the employee or a later date as agreed to by the parties. See *N.J.A.C.* 4A:2-2.13 for hearing regarding removal appeals by certain law enforcement officers and firefighters.

*N.J.A.C.* 4A:2-2.6(d) provides that within 20 days of the hearing, or such additional time as agreed to by the parties, the appointing authority shall make a decision on the charges and furnish the employee either by personal service or certified mail with a FNDA. See *N.J.A.C.* 4A:2-2.13 for the issuance of a FNDA in removal appeals by certain law enforcement officers and firefighters.

*N.J.A.C.* 4A:2-2.7(a)2 provides that the appointing authority may impose an indefinite suspension to extend beyond six months where an employee is subject to criminal charges as set forth in *N.J.A.C.* 4A:2-2.5(a)2, but not beyond the disposition of the criminal complaint or indictment.

*N.J.A.C.* 4A:2-2.7(b)1 provides that if the criminal action does not result in an order of forfeiture issued by the court pursuant to *N.J.S.A.* 2C:51-2, the appointing authority shall issue a second PNDA specifying any remaining charges against the employee upon final disposition of the criminal complaint or indictment. The appointing authority shall then proceed under *N.J.A.C.* 4A:2-2.5 and 2.6.

Initially, it is noted that, given the nature of the charges and the standards of *N.J.A.C.* 4A:2-2.5(a)1, there was a basis for the petitioner's immediate suspension, effective December 3, 2025, as indicated in the December 4, 2025 PNDA. Further, as criminal charges were pending and the petitioner did not request a hearing, it was also appropriate for the appointing authority to issue the December 16, 2025 FNDA indicating that the petitioner's suspension was indefinite.

Thereafter, on or around February 9, 2026, the appointing authority received notice that the pending criminal charges against the petitioner had been dismissed. However, given the nature of the alleged underlying conduct and the fact the petitioner's law enforcement license had been suspended, it was appropriate for the appointing authority to issue the February 19, 2026 PNDA continuing the petitioner's suspension without pay and seeking his removal. *See N.J.A.C. 4A:2-2.7(b)1*. In this regard, the information provided in support of the instant petition does not demonstrate a clear likelihood of success on the merits. A critical issue in any disciplinary appeal is whether the petitioner's actions constituted wrongful conduct warranting discipline. The Commission will not attempt to determine such a disciplinary appeal on the written record without a full plenary hearing before an Administrative Law Judge who will hear live testimony, assess the credibility of witnesses, and weigh all the evidence in the record before making an initial decision. Likewise, the Commission cannot make a determination on whether the petitioner's ultimate removal is appropriate without the benefit of a full hearing record before it. Since there are material issues of fact present in the case, the petitioner has not shown a clear likelihood of success on the merits. Further, the petitioner is not in danger of suffering immediate or irreparable harm or substantial injury if his request is not granted as he is entitled to a departmental hearing and, subsequently, a hearing at the Office of Administrative Law, if necessary and timely filed. Moreover, his current harm is monetary in nature which can be fully remedied by an award of back pay should he be successful at any stage of the disciplinary process. Finally, it would be a substantial injury to the appointing authority and not in the public interest to allow the petitioner, who allegedly committed an act of domestic violence and whose law enforcement license has been suspended, to be allowed to return to work.

Concerning the petitioner's pay status, it was within the appointing authority's discretion to provide that his suspension be without pay. *See N.J.A.C. 4A:2-2.4(b)*. Further, the record indicates that on March 23, 2026, he was afforded an opportunity, via a *Loudermill* hearing, to orally respond to his suspension without pay. Additionally, given the seriousness of the allegations and the fact that his law enforcement license was suspended, the Commission finds that the appointing authority has complied with the requirements of *N.J.A.C. 4A:2-2-5(b)*.

However, it is noted that as there are currently no criminal charges pending, the appointing authority cannot suspend the petitioner indefinitely pending its own investigation or the PTC's determination. *See N.J.A.C. 4A:2-2.4* and *In the Matter of Rana Elsayed* (CSC, decided April 24, 2019). Further, while the record is unclear if the petitioner formally requested a departmental hearing or just the *Loudermill* hearing which was conducted on March 23, 2026, it appears he is requesting one now as he complains that he has not been provided any discovery or evidence regarding the allegations against him. Therefore, the Commission finds that, pursuant to *N.J.A.C. 4A:2-2.5(d)*, the appointing authority shall schedule the departmental

hearing within 30 days of receipt of this decision unless waived by the petitioner or a later date as agreed to by the parties. Lastly, within 20 days of the departmental hearing, the appointing authority shall issue a FNDA. *See N.J.A.C. 4A:2-2.6(d)*.

### ORDER

Therefore, it is ordered that this request be denied. However, the appointing authority shall schedule a departmental hearing as instructed herein.

This is the final administrative determination in this matter. Any further review should be pursued in a judicial forum.

DECISION RENDERED BY THE  
CIVIL SERVICE COMMISSION ON  
THE 29<sup>TH</sup> DAY OF APRIL, 2026




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