

[DO NOT PUBLISH]

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

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No. 06-15498  
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FILED U.S. COURT OF APPEALS ELEVENTH CIRCUIT OCTOBER 19, 2007 THOMAS K. KAHN CLERK
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D. C. Docket No. 04-00063-CV-WSD-1

CAROL DILLAHAY,

Plaintiff-Appellant,

versus

CITY OF EAST POINT, et al.,

Defendants,

HOUSING AUTHORITY OF EAST POINT,  
HULETT WIDNER,  
BARBARA MILLER,  
WANDA PERSON,  
ED CRUMBLY, et al.,

Defendants-Appellees.

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Appeal from the United States District Court  
for the Northern District of Georgia  
\_\_\_\_\_

**(October 19, 2007)**

Before TJOFLAT, HULL and WILSON, Circuit Judges.

PER CURIAM:

Plaintiff-appellant Carol Dillihay appeals the district court's grant of summary judgment in favor of the defendants-appellees Housing Authority of East Point ("EPHA"), her former employer, and Michael Kucharzak, a former contract employee with the EPHA who served as onsite staff for the EPHA and later as the EPHA's Interim Executive Director.<sup>1</sup> Dillihay sued the EPHA and Kucharzak, alleging that they discriminated against her because of her race and retaliated against her for complaining about racial discrimination in the workplace by:

- (1) eliminating her accounting position through a reorganization of the workplace;
- (2) replacing her former accounting position with a new "Financial Specialist" position with a college degree qualification which the defendants-appellees allegedly knew Dillihay did not have; and
- (3) subsequently hiring two allegedly unqualified African-American females for the Financial Specialist position.

Among the problems with Dillihay's discrimination and retaliation claims

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<sup>1</sup>Dillihay's complaint also sued Hulett Widner, Barbara Miller, Carrie Wisdom, Wanda Person, and Ed Crumbley as members of the Board of Commissioners and East Point Mayor Patsy Jo Hilliard. Dillihay stipulated to a dismissal of her claims against Hilliard after the conclusion of discovery. Dillihay later filed a motion to dismiss her claims against Widner, which the district court granted and thus Widner has not appealed. Further, at oral argument, Dillihay's counsel stated that Dillihay had abandoned on appeal any claims relating to the members of the EPHA's Board of Commissioners. Thus, we affirm as to the members of the Board without discussion.

are the facts that: (1) during the relevant time period, the EPHA was reorganized and downsized from approximately 25 employees to 9 employees; and (2) after the reorganization, Dillihay did not apply for the new Financial Specialist position about which she claims discrimination and retaliation. After review and oral argument, we conclude that Dillihay's various arguments on appeal lack merit, and thus we affirm the district court's grant of summary judgment in favor of the EPHA, Kucharzak, and the EPHA's Board of Commissioners.

**AFFIRMED.**