

UNPUBLISHED

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 06-2191

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KIM Y. EDDINGS,

Plaintiff - Appellant,

versus

SUSAN DEWEY, Executive Director, Virginia  
Housing Development Authority,

Defendant - Appellee.

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Appeal from the United States District Court for the Eastern  
District of Virginia, at Richmond. Henry E. Hudson, District  
Judge. (3:06-cv-00506-HEH)

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Submitted: November 21, 2007

Decided: January 22, 2008

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Before TRAXLER, Circuit Judge, HAMILTON, Senior Circuit Judge, and  
John Preston BAILEY, United States District Judge for the Northern  
District of West Virginia, sitting by designation.

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Affirmed by unpublished per curiam opinion.

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William B. Pace, W. Alexander Burnett, WILLIAMS MULLEN, Richmond,  
Virginia; Marcellinus L. M. B. Slag, LEGAL AID JUSTICE CENTER,  
Richmond, Virginia, for Appellant. Godfrey T. Pinn, Jr., HARRELL  
& CHAMBLISS, L.L.P., Richmond, Virginia, for Appellee.

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Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Kim Y. Eddings appeals a district court order dismissing her action challenging the termination by the Virginia Housing Development Authority ("the VHDA") of her housing assistance. Finding no error, we affirm.

Eddings began receiving rental vouchers in approximately 1994 through the Section 8 Existing Housing Rental Assistance Program. She used the vouchers to rent a home in Richmond, Virginia, where she lived with her four sons, her husband, and her mother-in-law. In July 2005, however, Eddings's husband began serving a two-year prison sentence. Eddings first informed the VHDA of the change in the composition of her household during her annual recertification in January 2006. Because Eddings had failed to notify the VHDA within 30 days of the change, VHDA informed her that it was terminating her housing assistance. Eddings requested, and was granted, an informal hearing regarding the termination. Although no evidence was presented of any intentional wrongdoing by Eddings or any benefit received by her in not promptly reporting her husband's incarceration, and although the hearing officer made no finding of intentional wrongdoing or financial benefit by Eddings, the hearing officer nevertheless upheld the termination.

Eddings subsequently filed suit against Susan Dewey, the executive director of the VHDA. The action alleges that the termination violated Eddings's rights under the applicable federal

regulations since the VHDA did not consider that her failure to timely notify the VHDA of her change in household composition was unintentional. The suit also claims that the termination violated Eddings's rights under the Due Process Clause of the federal Constitution because the VHDA's own operating manual prohibited terminating benefits for an unintentional violation of federal regulations or VHDA policy. Dewey moved to dismiss Eddings's suit for failure to state a claim. See Fed. R. Civ. P. 12(b)(6). In granting Dewey's motion, the district court concluded that neither a federal regulation, a federal policy, nor the VHDA's operating manual prohibits the VHDA's termination of benefits for unintentional violations. See Eddings v. Dewey, 2006 WL 2850646, at \*2-\*3 (E.D. Va. Oct. 2, 2006).

On appeal, Eddings argues that the district court's conclusion was erroneous. Because we find no error in the district court's analysis, however, we affirm. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid in the decisional process.

AFFIRMED