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**Flier to Appeal Unfavorable Discharge**

NYTimes

SAIGON, South Vietnam, Feb. 9 (AP)—Capt. Michael J. Heck, the young B-52 pilot granted a discharge from the Air Force for "other than honorable" reasons after he had refused to fly a mission over North Vietnam on Dec. 26, said today that he was planning a legal appeal of that type of discharge.

At the same time Captain Heck, in an interview in Thailand where he is stationed, said that he did not expect that his life would be affected adversely by the equivalent of an undesirable discharge.

"I'm pleased," he said. "We're planning an appeal on the type of discharge to have it upgraded. 'Other than honorable' is comparable to an enlisted man's undesirable discharge. Practically speaking, I'll lose certain Veterans Administration benefits.

"From a point of principle," he added, "I feel my record justifies a better type of discharge. There will be other grounds we'll be using in my appeal, such as my conscientious-objector status.

"I don't feel ashamed. In fact, I feel kind of proud of my stand. If the discharge doesn't get changed, I don't anticipate that it will affect my life adversely."

He said that he was leaving Sunday for Barksdale Air Force Base, near Shreveport, La., where he would be discharged,

and that he expected that the procedure would take about a week.

The pilot, 30 years old, of Chula Vista, Calif., had flown 175 missions over Vietnam when he told his superior officers that because of moral considerations and matters of conscience, he would fly no more such missions. At the time the United States was conducting its heavy bombing campaign against Hanoi and Haiphong. "The goals," the captain has said, "do not justify the mass destruction and killing."

He was awakened at 4:30 this morning at U Taphao Air Base in Thailand by a telephone call that notified him that the Air Force had decided to discharge rather than court-martial him. The call was from the captain's lawyer, Marvin M. Karpatkin of the American Civil Liberties Union in New York.

Captain Heck said in the interview later that Col. Donald Davis, commander of the 307th Strategic Wing at his base, had confirmed the fact that he had been given a discharge under

"other than honorable conditions."

**Resignations Are Accepted**

CLARK AIR BASE, The Philippines, Feb. 9 (AP) — An Air Force spokesman here said today that the resignations of Captain Heck and of First Lieut. Dwight J. Evans Jr. had been accepted "for the good of the service." The spokesman declined to say what kind of discharges they had been given, saying that that information could not be divulged without the consent of the two officers.

Lieutenant Evans, 26, of Tulsa, Okla., a navigator in an F-4 Phantom fighter-bomber squadron on Thailand, was transferred here last month after he refused to fly a mission over Hanoi on Dec. 18, 1972. That was the day when President Nixon ordered the resumption of the heavy bombing of Hanoi and Haiphong.

The spokesman said that Lieutenant Evans, whose wife lives in Dallas, left today for Travis Air Force Base in California.