

LEGAL SEPARATION FROM THE DELAYED ENTRY PROGRAM (DEP)



Image: Department of Defense

Although recruiters and other military staff will imply that a Delayed Entry Program (DEP) member is formally “enlisted” in the military, this is not so. The DEP agreement, contained in a very official looking section of the actual “Enlistment Contract”, is only a statement of proposed intention to report for formal enlistment.

Although the military recruiter would like you to think you are “enlisted”, the DEP section of the contract DOES NOT bind anyone to actual enlistment. Under military law any DEP member can separate from this intention by writing a simple letter to the commanding officer where the original recruitment took place.

Make copies of the letter for yourself. When mailing the letter, go to the post office and have them attach to the envelope a “Domestic Return Receipt” so that you will receive a signed record that your letter was received. Now you have legal documentation that your letter was received by the military command.

If you have any questions about the regulation or military law, consult with a GI Rights counselor: The number for the national GI Rights Hotline is 877-447-4487; the number for the central California coast area (Monterey/Santa Cruz) is 831-359-0202. Or study the appropriate regulations at: <http://girightshotline.org/discharges/index.shtml>. On that page, find the service you signed up for on the “Delayed Entry Program (DEP)” line.

YOUR ADDRESS
CITY, STATE ZIP

DATE

Commanding Officer
SERVICE BRANCH [U.S. Army, Marine Corps, Navy, etc] Recruiting Station
ADDRESS [the address of the local office where the recruiter you talked to is stationed]
CITY, STATE ZIP

Dear Commander:

I am currently a member of the SERVICE BRANCH Delayed Entry Program scheduled to enter active duty on DATE. I am requesting complete separation from the Delayed Entry Program and the SERVICE BRANCH.

I signed up for the Delayed Entry Program on DATE at the SERVICE BRANCH Recruiting Station, in CITY, ADDRESS & ZIP. I was recruited by NAME OF RECRUITER.

My request for separation is based on the following factors: *[Enter your own reason. A sample follows. ANY reason is sufficient including "I have changed my mind."]* Since I began the Delayed Entry Program, I have been given an opportunity to immediately pursue a higher education. I can enter college immediately after graduation from high school. Additionally, funds have been made available to me to complete this education.

I am no longer interested in serving the military. Therefore, I request separation from the Delayed Entry Program and the SERVICE BRANCH.

I request prompt processing of this separation. In the event that this separation request has not been processed on the date I am scheduled to report for active duty, I request an extension in my delay status until my separation request has been finally decided. *[The request for an extension to assure separation is appropriate and covers the possibility that the service branch may use a processing delay to invalidate the separation request.]*

This is my final decision. I have no intention of reporting for enlistment. Under no circumstances do I want the military personnel, recruiting staff, or other Delayed Entry Program members contacting me or my family to discuss this matter. All future communication and notice of separation should be mailed to my home. *[This declaration helps to reduce harassment: see "harassment" below.]* Thank you for your prompt attention to this matter.

Sincerely,

[Leave space for your signature here.]

YOUR NAME
YOUR SOCIAL SECURITY NUMBER

cc: YOUR CONGRESS MEMBER
ADDRESS, CITY, STATE ZIP.

← END OF SAMPLE LETTER

[Sending a copy of this letter to your congress member helps reduce harassment: see “harassment” below. It is helpful if you call your congress member’s office, obtain the name of the staff person who handles military enlistment cases, and send the copy to that staff person.]

HARASSMENT: It is military law that recruiters may NOT HARASS DEP members who chose to leave the program. However, there are some unscrupulous recruiters who do harass people who request separation. Harassment may include repeated phone calls to home and family, aggressive appeals by other DEP recruits, personal confrontations at school, appearance at one’s home on the enlistment date, and threats of military judicial proceedings and punishment.

Keep a record of any harassment events – date, time, names -- and immediately report any such activity to your congressional office contact and your GI Rights counselor!

Some recruiting officers “reject” separation letters, often with a form letter that orders the individual to report to a meeting or hearing with a so-called “board” or committee.

At this time the greatest assurance of separation is to follow a course of don’t-show-up -- ignore the rejection directive or contact the military in writing to simply and clearly state that you want no more contact. If harassment persists, keep a log of names, dates, times and contact the GI Rights Hotline for legal referral in your area. If you have a sympathetic congress member, also contact their office for help.

NNOMY

National Network Opposing the Militarization of Youth
<http://nnomy.org/>