

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. Or study the appropriate regulations at: <https://girightshotline.org/en/military-knowledge-base/delayed-entry-program-discharge-dep-discharge/>. On that page, find the service you signed up for on the “Delayed Entry Program (DEP)” line.

BEGINNING OF SAMPLE LETTER → *[comments in italics and brackets]*
Remove these comments in your final draft of the letter!

Commanding Officer

Recruiting Station

Dear Commander:

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

I signed up for the Delayed Entry Program on _____ at the _____ Recruiting Station, in _____. I was recruited by _____.

My request for separation is based on the following factors:

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

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.

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. Thank you for your prompt attention to this matter.

Sincerely,

(signature)

cc:

← 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.

For additional information on Delayed Entry Program / Future Soldier Program see the following links:

For English: <https://nnomy.org/DEP>

Para español: <https://nnomy.org/PIP>

Updated: 07/15/2022